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May 8, 2000

Ms. Joan Armstrong
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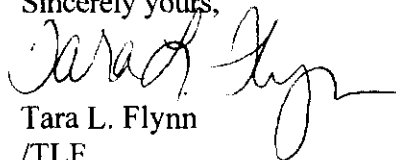
RE: The Glidden Company, et al. v. Arrow International, et al.

Dear Joan:

Per our conversation on Friday, May 5, 2000, enclosed please find a copy of the transcript of day two of the deposition of Robert C. DeMeno, taken on March 26, 1996, including copies of the exhibits thereto.

If you have any questions, or if I can be of further assistance to you, please do not hesitate to contact me.

Sincerely yours,



Tara L. Flynn
/TLF
enclosure

150th
ANNIVERSARY
1849-1999

PHLITV320638V1

1 IN THE UNITED STATES DISTRICT COURT FOR
2 THE EASTERN DISTRICT OF PENNSYLVANIA

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(b-1)

3 THE GLIDDEN COMPANY, et al., : CIVIL ACTION
4 : NO. 94-CV-3970
5 Plaintiffs :
6 vs. :
7 AMERICAN COLOR & CHEMICAL :
8 CORPORATION, et al. :
9 Defendants :

10 Tuesday, March 26, 1996
11 Lansdale, Pennsylvania

12
13 Continued oral deposition of ROBERT C. DeMENO,
14 taken pursuant to notice at the law offices of
15 HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN,
16 375 Morris Road, Lansdale, Pennsylvania, beginning
17 at 9:11 a.m. on the above date, before
18 Doris N. Desher, Court Reporter, Notary Public.

19
20
21
22 DORIS N. DESHER REPORTING
23 7395 Ridge Avenue
24 Philadelphia, PA 19128
(215) 482-7716

COPY

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21 - - -
22
23
24

I N D E X

EXAMINATION

WITNESS

Robert C. DeMeno

By Mr. Embick	5, 311
By Mr. Cooley	288
By Ms. Barnett	313
By Ms. Mooney	316

- - -

E X H I B I T S

EXHIBIT	DESCRIPTION	MARKED
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DM-12	Copy of contract between Berks Sanitary Landfill, Inc. and B.F.I. Waste Systems (20 pages)	35
DM-13	Copy of B.F.I. dumping slips (30 pages)	45
DM-14	Copy of calculation by Berks Sanitary Landfill, Inc. concerning dumping agreement with B.F.I. (1 page)	54
DM-15*	Copy of dump tickets and summary of billing. (3 pages)	58

*DM-15 in its entirety submitted with original transcript.

1 Robert C. DeMeno

5

2 (It is hereby stipulated and
3 agreed by and among counsel that certification,
4 sealing and filing are waived; and that all
5 objections, except as to the form of the question,
6 are reserved until the time of trial.)

7 - - -

8 ROBERT C. DeMENO, having been
9 previously sworn, was examined and testified as
10 follows ...

11 - - -

12 EXAMINATION

13 BY MR. EMBICK:

14 Q. Mr. DeMeno, this is the continuation of your
15 deposition that we commenced on March 12th, 1996,
16 and as the court reporter has reminded you, you are
17 still under oath. I guess I'll ask a housekeeping
18 question of you first. Since we last spoke on
19 March 12th, have you been able to locate any
20 additional records or documents concerning the
21 Berks landfill or Globe Industrial?

22 A. No.

23 Q. Have you been able to look in your crawl
24 space at your residence to see if there are any

1 records there that pertain to this case?

2 A. The records that I have would be the same
3 thing that we looked at Cohen and Shapiro and that
4 we have here.
5

6 Q. Earlier you spoke of a Mr. Charles Clampper,
7 and you described him in your earlier deposition as
8 a salesman for Globe Industrial; is that correct?

9 A. Yes.

10 Q. Do you happen to know the whereabouts of
11 Mr. Clampper?

12 A. No.

13 Q. Do you know where he lived before?

14 A. In the Philadelphia area.

15 Q. Do you have an old address for him?

16 A. I don't know if I still do.

17 Q. If you do, I'd like to get it. And the same
18 for Barbara Lutz. In your earlier testimony, you
19 indicated that Mrs. Lutz was the dispatcher for
20 Globe Industrial. Do you happen to know her
21 current whereabouts?

22 A. Yes, in the Pottstown area.

23 Q. Do you happen to have an address or phone
24 number for her?

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A. No.

Q. Again, if you are able to locate information about her whereabouts, I'd appreciate it if you would tell Mr. Hann so I could get this information. I believe, Mr. DeMeno, when we left off I was asking you about some of the customers of Globe Industrial, and we had been speaking about Hanson Properties who you indicated was one of your customers. And I believe you indicated that there were a number of locations which you served with respect to Hanson Properties. Is that correct?

A. Yes.

Q. Can you remember what some of the locations were?

A. I can remember a couple of them, yes.

Q. Could you tell me, please.

A. Century Plaza West, Century Plaza East, General Washington offices. We also picked up a couple golf courses that they owned. I can't remember the names of them. Most of it was office complexes.

Q. Now, were these office complexes that were managed or owned by Hanson?

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Robert C. DeMeno

1
2 A. Yes.

3 Q. Did you have a contract with Hanson?

4 A. I believe we did, yes.

5 Q. Was it a contract that covered all of these
6 locations that you mentioned?

7 A. All the ones that we hauled for, yes.

8 Q. Did you have separate contracts with any of
9 the proprietors of the locations, an individual
10 contract as opposed to an over-arching contract?

11 A. No.

12 Q. So you had a contract with Hanson to pick up
13 a number of locations?

14 A. Yes.

15 Q. And you think it was perhaps 50 locations?

16 A. No.

17 Q. Can you estimate how many locations you were
18 serving the Hanson Properties?

19 A. Maybe eight.

20 Q. What's the full name of Hanson?

21 A. Hanson Properties.

22 Q. Is it a corporation or partnership, do you
23 know?

24 A. I think they went bankrupt at this point. I

Robert C. DeMeno

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9

1 don't know at this point.

2 Q. So you think they may not be in business?

3 A. I know they are not.

4 Q. You also mentioned the General Washington.
5 Was that an office complex?

6 A. Yes.

7 Q. And where was that located?

8 A. King of Prussia.

9 Q. Whereabouts, do you remember?

10 A. It's right -- the name of the road I don't
11 know. It's right next to the King of Prussia
12 Plaza, like across the street from the King of
13 Prussia Plaza off Route 23.

14 Q. You are not speaking of the George
15 Washington Motor Lodge?

16 A. No, no.

17 Q. This is an office building?

18 A. An office building.

19 Q. But you think the name of the complex was
20 George Washington Offices?

21 A. I think that's what it was, or General
22 Washington, one or the other.

23 Q. Do you remember any of the tenants in the
24

Robert C. DeMeno

ORIGINAL 10
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office complex at the General Washington office?

A. There were attorneys and stuff like that.

Q. Do you remember any specific offices?

A. No.

Q. How about the Century Plaza West, where was that located?

A. That was in Blue Bell.

Q. Whereabouts in Blue Bell?

A. On Township Line Road and Walton Road.

Q. Do you remember any tenants in the Century Plaza West?

A. The only one I know is there was a bank in there. I don't know who else was in there.

Q. And did you pick up the trash from the bank in connection with your contract with Hanson Properties?

A. Yes.

Q. Do you happen to remember the name of the bank?

A. No.

Q. How about the Century Plaza East, where was that located?

A. That would be right across the street.

Robert C. DeMeno

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Q. Do you happen to remember any tenants in Century Plaza East?

A. No, we didn't get into who was running the buildings, but it was office buildings, attorneys or whatever.

Q. You served these properties that we've been speaking of in the 1984 to 1986 time period?

A. Yes.

Q. So the wastes that you picked up from these locations went to the landfill?

A. Yes.

Q. Did it also go to the transfer station owned by O'Hara?

A. Possibly.

Q. You also mentioned some golf courses. Was one of them the Valley Forge Golf Course?

A. No.

Q. Were these private golf courses?

A. As far as I know, they were.

Q. Do you happen to remember where any of them were located?

A. One was in Willow Grove.

Q. Whereabouts, sir?

Robert C. DeMeno

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A. You got me.

3

Q. How about the other, do you remember where it was located?

4

5

A. Warrington maybe.

6

Q. Do you happen to remember any other locations where you picked up wastes in connection with your contract with Hanson Properties?

8

9

A. Off the top of my head, no.

10

Q. Earlier you also mentioned that you provided service to a Howard Johnson Motor Lodge; is that correct?

12

13

A. Yes.

14

Q. Where was that located?

15

A. King of Prussia.

16

Q. Can you remember where that was in King of Prussia?

17

18

A. I think it was Routes 23 and 202.

19

Q. I remember there was a Howard Johnson's right at the intersection of Route 202 and I think it's Upper Gulph Road. Does that ring a bell with you?

22

23

A. It's also Route 23 as far as I know.

24

Q. You think that was an intersection where

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Route 23 also comes in, or was there another motor lodge?

A. No, Routes 23 and 202 would be at the intersection there. I always call it 23.

Q. Do you happen to know, did you have a separate contract with Howard Johnson's Motor Lodge?

A. I believe we did, yes.

Q. Do you know what happened to the contract?

A. They went with O'Hara when I sold them.

Q. Went to O'Hara. Do you happen to know who the owner of the Howard Johnson's Motor Lodge was?

A. No.

Q. Do you remember who you dealt with at the motor lodge?

A. No.

Q. Do you happen to remember what type of wastes were picked up at the Howard Johnson's Motor Lodge?

A. Whatever came out of the rooms as far as regular papers and stuff like that.

Q. Did the motor lodge have a restaurant?

A. We didn't do the restaurant.

Robert C. DeMeno

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1 Q. You didn't serve the restaurant?

2 A. No.

3 Q. Do you happen to remember the size of the
4 waste container that was at Howard Johnson's Motor
5 Lodge if any was located there?
6

7 A. Off the top of my head, it was probably a
8 four-yard container.

9 Q. 40?

10 A. Four-yard.

11 Q. Another customer you mentioned was Altemose;
12 is that correct?

13 A. Yes.

14 Q. Can you tell me where Altemose is located?

15 A. I think they are out of business, too, but
16 they had an office on Route 202 in Whitpain
17 Township. We did some construction pickups for
18 them.

19 Q. Did you make the pickups at the Altemose
20 office location on Route 202 in Whitpain Township?

21 A. Yes.

22 Q. Did you make pickups for Altemose at any
23 other locations?

24 A. Quite a few other occasions, yes. It was on

an on-call basis. It wasn't a permanent. In other words, if they needed a container for construction, we would do that.

Q. Did you ever pick up wastes at the Altemose office located on Route 202 in Whitpain Township?

A. Yes.

Q. What kind of wastes did you pick up from the Altemose office location?

A. Just normal trash.

Q. Trash from offices?

A. Yes, office trash.

Q. Was there any demolition wastes included?

A. No.

Q. Do you happen to remember where some of the other pickups were for Altemose?

A. The Sheraton in King of Prussia. He had a place in Conshohocken that he was remodeling. I don't know the road or what the name of the building was.

Q. Did you understand that Altemose was constructing the Sheraton Hotel in Valley Forge?

A. Yes.

Q. And were you picking up wastes associated

Q16-16

Robert C. DeMeno

1 with the construction of the Sheraton Hotel?

2 A. No, this was after it was built.

3 Q. So you weren't picking up construction and
4 demolition waste?

5 A. Not there, no.

6 Q. What was it that you were picking up at the
7 Sheraton?

8 A. Municipal waste, waste that would come out
9 of the office building, waste that would come out
10 of the motel or hotel.

11 Q. And that would include things like what, if
12 you can recall?

13 A. I didn't pick them up, my men picked it up,
14 but it was trash, municipal trash.

15 Q. Any other locations where you picked up
16 wastes on behalf of Altemose?

17 A. There may have been. Off the top of my
18 head, I can't remember.

19 Q. How big was the container at the Valley
20 Forge Sheraton Hotel?

21 A. I think we had two eight-yard containers in
22 there.

23 Q. How about the location in Conshohocken?
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A. That would have been a rolloff container.

Q. Do you happen to remember where that rolloff container was located in Conshohocken?

A. It was probably there only a short time, a couple weeks. I don't know where it was located.

Q. And the rolloff container in Conshohocken was used to contain what kind of wastes?

A. Wood, drywall. Off the top of my head, I don't know. That's about the best I can tell you.

Q. The Conshohocken location rolloff was used to contain construction and demolition wastes?

A. Well, it wouldn't be demolition waste, it would be construction waste, whatever.

Q. Can you remember any other locations where you picked up wastes on behalf of Altemose?

A. I can't remember any.

Q. Did you have a contract with Altemose to cover these pickups?

A. I don't remember if we did or not.

Q. Do you remember who at Altemose you dealt with?

A. No. I know it was a girl that we first dealt with, but I don't remember her name.

1 Q. Was she a purchasing agent that you know of?

2 A. Yes.

3 Q. How long did you pick up wastes for Altemose?

4 A. Not long.

5 Q. Can you tell me what years?

6 A. No.

7 Q. Did you take wastes that you picked up for
8 Altemose to the Berks landfill?

9 A. That I don't remember. I know we had a
10 problem with monies, collecting monies from them,
11 and we stopped service after a while. I don't
12 remember if it was in that period of time or not.

13 Q. The next company that you mentioned was Bell
14 Telephone?

15 A. Yes.

16 Q. Where was Bell Telephone located?

17 A. Most of their offices were in King of
18 Prussia. I think Plymouth. I'm not sure where the
19 rest were.

20 Q. Do you happen to know where the Bell
21 Telephone office that you provided service to was
22 located in King of Prussia?

23 A. It was in the King of Prussia Industrial
24

Park.

Q. Did you have a contract with Bell Telephone to provide waste disposal service?

A. It was a bid contract, yes.

Q. Can you tell me how big it was in terms of volume or billing?

A. No.

MR. HANN: What type of contract did you say it was?

THE WITNESS: It was a bid contract.

Q. I'm sorry, I thought you said it was a big contract.

A. No, it was bid each year.

Q. Do you happen to recall who you dealt with at Bell Telephone? Did they have a purchasing agent or officer?

A. I imagine they did, yes.

Q. What kind of offices were these, if you know?

A. As far as I know, it was just office buildings.

Q. Do you know what kind of wastes you were

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picking up from the Bell Telephone locations?

A. Paper, cardboard, stuff like that.

Q. Can you tell me what size container, if any, you had at the King of Prussia offices of Bell Telephone?

A. No, I don't remember.

Q. How about the Plymouth? I take it you mean the Plymouth Township location?

A. Yes.

Q. Do you happen to know what size container you had there?

A. No.

Q. Was the Plymouth location also an office?

A. Yes.

Q. Can you recall any other locations where you picked up wastes from Bell Telephone?

A. No.

Q. You also mentioned that you picked up from various office buildings. I'm wondering if you can remember any of those locations now?

A. I gave you the Hanson Properties. I can't remember any. It's been so long ago that I don't remember.

1
2 Q. In your earlier deposition you indicated
3 that you had some lugger truck customers, and one
4 of them was WHY Y or Channel 12; is that correct?

5 A. Yes.

6 Q. Where was the location from which you
7 provided service to WHY Y and Channel 12?

8 A. I don't know the street number. I know it's
9 in Philadelphia, but I don't know.

10 Q. Was it close to Independence Hall; do you
11 know?

12 A. I don't know.

13 Q. Do you know what kind of waste was generated
14 by WHY Y Channel 12?

15 A. As far as I know, it was paper.

16 Q. Office trash?

17 A. Office trash.

18 Q. You also indicated that you provided service
19 to a company that you called Oscar Maier?

20 A. Yes.

21 Q. Where was that company located?

22 A. It was in Philadelphia near the Walt Whitman
23 Bridge. I don't know addresses.

24 Q. Did you have a contract with Oscar Maier?

1 A. I believe we did, yes.

2 Q. What type of wastes were being generated, if
3 any, by Oscar Maier?

4 A. The only thing we hauled for them was sawdust.

5 Q. Sawdust?

6 A. Yes.

7 Q. Do you happen to know what process generated
8 sawdust?

9 A. It was just sawdust that they used on their
10 floors, sweepings.

11 Q. Floor sweepings?

12 A. Floor sweepings.

13 Q. Did you provide any service to Oscar Maier
14 with respect to food processing wastes?

15 A. No.

16 Q. How about trash from offices or lunchrooms?

17 A. No.

18 Q. Where did the waste from Oscar Maier go for
19 disposal?

20 A. As far as I know, it went to -- I think it
21 went to the Philadelphia, I don't know if it was
22 the transfer station at that time or an incinerator.
23 It went to Manayunk, I think. They had a plant in
24

1 Manayunk we used to take it to.

2
3 Q. Was this a plant operated by the City of
4 Philadelphia?

5 A. Yes.

6 Q. Did any of the wastes that were generated by
7 Oscar Maier go to the Berks landfill?

8 A. No.

9 Q. How do you know that?

10 A. Because it all went to the incinerator in
11 Philly.

12 Q. How about the wastes from WHYY or Channel 12?

13 A. That may have come back to us. It just
14 depends. If he had time to take it to the
15 incinerator, he would. If he didn't, he would
16 bring it back to the yard and it would go up to the
17 landfill.

18 Q. Would the same arrangement govern where the
19 wastes from Oscar Maier would be disposed of?

20 A. No, we mostly took that to the incinerator.

21 Q. Do you recall any other customers that you
22 were servicing using the lugger trucks that you
23 earlier testified about?

24 A. The lugger trucks? No.

1
2 Q. Do you recall who at WHYY you may have dealt
3 with with respect to contracts?

4 A. No.

5 Q. How about Oscar Maier?

6 A. No.

7 Q. I think earlier you indicated that you sold
8 your lugger trucks or you got rid of them; is that
9 correct?

10 A. Yes.

11 Q. To whom did you sell them or otherwise
12 dispose of them?

13 A. I don't remember.

14 Q. Did you dispose of them separately from the
15 sale of assets or equipment to O'Hara?

16 A. They were sold a long time before that, yes.
17 We weren't in the lugger business that long, maybe
18 a year or two.

19 Q. Do you have any documents that may pertain
20 to the sale of your lugger truck equipment?

21 A. No. They may have been traded for a
22 front-load truck or a rear-load truck. I don't
23 remember.

24 Q. When you disposed of the lugger truck

25
Robert C. DeMeno

1
2 equipment, did you also sell your customer list, or
3 did you retain your customer list?

4 A. No, retained it.

5 Q. So you just sold the lugger truck equipment?

6 A. Yes.

7 Q. Is there any other customer that you can
8 remember with respect to Globe Industrial at this
9 point? We've talked about several of them. Do any
10 others come to mind?

11 A. Not off the top of my head, no.

12 Q. Do you know who, if anyone, would have more
13 information or additional information about the
14 customers of Globe Industrial?

15 A. O'Hara would have all that.

16 Q. And that's because you sold the equipment
17 and the customers to O'Hara?

18 A. Right.

19 Q. We talked a little bit about Globe Disposal
20 before, and I believe you testified that Globe
21 Disposal to the best of your knowledge didn't dump
22 waste at Berks landfill; is that correct?

23 A. Yes.

24 Q. Do you know if anyone associated with Globe

Disposal utilized Berks landfill for disposal of wastes?

A. No.

Q. Do you know if any wastes went to Berks landfill that originated in an incinerator that was operated by Waste Techniques on River Road in Conshohocken?

A. No.

Q. How about American Environmental Services, Inc. Are you familiar with that company?

A. Not really.

Q. Do you know anything about it?

A. No.

Q. Did you ever have a relationship with a Mr. Frank Keel, K-E-E-L?

A. I know of him. I didn't really have any business dealings with him.

Q. To your knowledge, did he have an interest in an incinerator or a waste processing business?

A. I don't know.

Q. How about a Mr. Jack Kennedy, K-E-N-N-E-D-Y. Do you know Mr. Kennedy?

A. I heard of him, I don't know him though.

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Q. Did you ever have any dealings with Mr. Kennedy?

A. I think I met him one time, yes.

Q. Was this in connection with the operation or the use of the Berks landfill?

A. No.

Q. Mr. DeMeno, I'm going to move on to some additional questions about O'Hara. You indicated that you sold your Globe Industrial assets to O'Hara Sanitation Inc.; correct?

A. Yes.

Q. Who were the people that you dealt with at O'Hara in connection with this sale?

A. It was Pat O'Hara and Bill O'Hara.

Q. Who was Mr. Pat O'Hara and what was his function, if you know?

A. He was one of the brothers. I don't know what his job was.

Q. To your knowledge, was he an owner of O'Hara?

A. I imagine he was.

Q. How about Mr. Pat O'Hara, what capacity did Mr. Pat O'Hara serve?

A. You just asked me that.

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Q. I'm sorry, I'm on to Bill now, sorry. What function, if any, do you know that Mr. Bill O'Hara had in connection with O'Hara Sanitation Inc.?

A. Just that he probably was one of the owners. I don't know what else he did.

Q. Do you happen to know any other officers or directors of O'Hara Sanitation Inc.?

A. I did. I don't remember their names.

Q. You don't remember now?

A. No.

Q. When you sold your assets, your Globe Industrial assets, to O'Hara, did you have any kind of a contract or sales agreement that governed the sale of those assets?

A. I imagine we did, yes.

Q. Do you know where it's located now?

A. No.

MS. BARNETT: Mr. DeMeno, were you represented by counsel in that transaction?

THE WITNESS: Yes.

MS. BARNETT: Who was your lawyer?

THE WITNESS: Do I have to answer that?

Robert C. DeMeno

29

MS. BARNETT: I think you do, sir.

THE WITNESS: Jack Kilcoyne and
Terry Heaney.

MS. BARNETT: Do they work together
or are they two separate --

THE WITNESS: Yes.

MS. BARNETT: Do you know if
Mr. Kilcoyne or Mr. Hagan -- is that the
name?

THE WITNESS: Heaney, H-E-A-N-E-Y.

MS. BARNETT: Do you know whether
they have a copy of the sales agreement?

THE WITNESS: They probably do, yes.

MS. BARNETT: Sorry, Jack.

MR. EMBICK: It's okay.

MS. BARNETT: Mr. DeMeno, since
there's a lull, the Bill O'Hara that you
mentioned, is that Mr. O'Hara, Senior or
Junior that you dealt with?

THE WITNESS: Junior.

MS. BARNETT: And were Bill and Pat
brothers?

THE WITNESS: Yes.

MS. BARNETT: And both sons of Bill O'Hara, Sr.?

THE WITNESS: Right.

MS. BARNETT: In the context of the transaction, did you obtain cash or assets when you sold the business?

MR. HANN: If you know.

THE WITNESS: It was --

MS. BARNETT: In other words, stock or something like that as opposed to dollars.

THE WITNESS: No, it wasn't stock, it was money.

BY MR. EMBICK:

Q. When you sold assets to O'Hara, did you sell your customer list, your Globe Industrial customer list?

A. Yes.

Q. Do you recall when the sale took place?

A. June of 1987.

Q. Had O'Hara Sanitation Inc. used the Berks landfill for disposal of waste prior to 1987?

A. Yes.

Q. I believe you testified earlier that O'Hara

Robert C. DeMeno

31

Sanitation was taking transfer trailers from its Plymouth transfer station for disposal at Berks landfill; correct?

A. Yes.

Q. Was O'Hara also hauling wastes from any other locations other than the transfer station to Berks landfill?

A. No.

Q. So only transfer trailers were being taken by O'Hara to the Berks landfill to the best of your knowledge?

A. Yes.

Q. Do you happen to remember the names or identities of any O'Hara employees that you dealt with?

A. Only the O'Haras themselves.

Q. Do you happen to remember the names of any truck drivers that would work for O'Hara?

A. No.

Q. Did you ever have occasion to discuss who O'Hara Sanitation's customers were?

A. No.

Q. Did you ever learn who O'Hara's customers

A. Well, I may have known some of them, but I don't at this point.

A. No.

A. I imagine they did, I don't know.

Q. You don't remember any names or identities?

A. No.

Q. Did you ever encounter any instances where O'Hara brought loads of waste or brought wastes to the landfill that you felt were not acceptable?

A. Yes.

Q. Could you tell me about that, please.

A. I think from the last time that we talked, we had a company, Disposal World, that was bringing in medical wastes. And I think when we got into the thing where we were turning his trucks away, he started to dump them at the O'Hara transfer station. And a couple of loads came up that had hospital wastes in that we had to turn away that

A. No.

Robert C. DeMeno

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Q. All right. Let me move on to B.F.I. B.F.I. stands for Browning-Ferris Industries; correct?

A. Yes.

Q. After you purchased Berks landfill, did you have any dealings with B.F.I.?

A. Yes.

Q. Could you describe what they were, please.

A. They came to me and wanted to dump trash that they had gotten a contract in Allentown to haul Allentown's trash. And they made a deal with me to dump that at Berks landfill.

Q. So you signed a contract with B.F.I.?

A. Yes.

Q. Do you happen to know what entity, what B.F.I. entity you were dealing with? For instance, was it a subsidiary of Browning-Ferris or was it the parent corporation? Do you happen to know who you were dealing with?

A. I imagine it was the corporation. I don't know if it was a different entity or not.

Q. I'm going to show you a copy of a B.F.I. contract and I'll ask Miss Desher to mark this as DM, I think we're up to 12 now.

(Exhibit DM-12 marked for
identification.)

Q. Mr. DeMeno, I'm going to show you what's
been marked for identification as DM-12, and I ask
that you look at it for a moment and then identify
it, if you can.

A. (Witness complied.)

Q. Mr. DeMeno, can you tell me what DM-12 is?

A. This is a contract that we had with B.F.I.

Q. This is a copy of the contract that you
earlier testified about?

A. Yes.

Q. Who is Mr. Cabell Carlan?

A. I have no idea.

Q. You don't recall Mr. Carlan?

A. No.

Q. The cover letter, I guess it's the first
page to DM-12, is a cover letter from a Mr. Carlan
to you enclosing the contract. Does that refresh
your recollection as to who Mr. Carlan was?

A. I may have met him, I don't remember. I
mostly dealt with Bill Wolfram and Mike Berlin.

Q. Who was Mr. Bill Wolfram, W-O-L-F-R-A-M?

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A. I can't remember what he did for B.F.I., but I know he came to me with, well, they wanted to dump Allentown's trash there.

Q. How do you know that they wanted to dump Allentown's wastes?

A. That's what they asked me when they came to talk to me about it.

Q. Who is Mr. Mike Berlin, B-E-R-L-I-N?

A. As far as I know, he was the manager for that Allentown division.

Q. The Addendum to the contract, disposal contract, which has the number 004874 at the lower right-hand corner?

A. Yes.

Q. Do you see that number?

MR. HANN: What was the number again?

MR. EMBICK: 004874.

A. Oh, okay I've got it.

Q. The Addendum indicates in Article XX, about two-thirds of the way down the page, that the obligations of the contract were subject to the existence of an agreement between B.F.I. and

Robert C. DeMeno

37
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Allentown dated January 20th, 1984. Was this the agreement that you earlier spoke about as far as B.F.I. had some sort of an arrangement with the City of Allentown?

A. Yes.

Q. Did you ever see a copy of the agreement dated January 20th, 1984 between B.F.I. and the City of Allentown?

A. No.

Q. Were you aware of any of the terms and conditions of that agreement?

A. No.

Q. In connection with this, with the negotiation of this agreement with B.F.I., you were represented by counsel; correct?

A. Yes.

Q. And who was that?

A. Jack Kilcoyne.

Q. Do you know if Mr. Kilcoyne has a copy of the agreement between B.F.I. and the City of Allentown dated January 20th, 1984?

A. No, I don't think he does.

Q. The contract indicates that the agreement

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that you made was between Berks Sanitary Landfill, Inc. and Browning-Ferris Industries of Pennsylvania, Inc. What was your understanding as to the nature of the corporation known as Browning-Ferris Industries of Pennsylvania, Inc.?

A. I don't understand your question.

Q. I'm sorry. Did you have any understanding as to who Browning-Ferris Industries of Pennsylvania, Inc. was?

A. No, not really.

Q. Did you understand it to be a subsidiary of Browning-Ferris Industries?

A. I didn't know if it was a subsidiary or not, you know. I think it was just B.F.I. as far as I knew. I didn't know how they were set up.

Q. Did any of the people that you dealt with at Browning-Ferris Industries describe what type of waste was to come from the City of Allentown in connection with this contract?

A. It was supposed to be municipal waste and also bulk waste that they picked up from Allentown.

Q. By that, do you mean bulky wastes?

A. Refrigerators, stoves, mattresses, stuff

1 Robert C. DeMeno

2 like that.

3 Q. The refrigerators and stoves I've also heard
4 referred to as white goods; is that correct?

5 A. Yes.

6 Q. Were any of those materials, the white
7 goods, mattresses and so forth, taken to the
8 landfill from the City of Allentown by B.F.I.?

9 A. Yes.

10 Q. How do you know that?

11 A. What do you mean by that?

12 Q. Did you have an opportunity to see any wastes?

13 A. I knew what came in. I kept pretty much in
14 contact with what was coming in there, you know. But
15 let me say one thing, if you want to say it off the
16 record. We had a scrap man there that took all the
17 white, the refrigerators, the stoves. Any metal was
18 not buried at the landfill, it was taken out of there
19 to the scrap yard.

20 Q. Who was that?

21 A. I don't remember.

22 Q. Was this a man who was employed by you?

23 A. No.

24 Q. This was an independent contractor?

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A. Yes.

Q. Do you recall what your arrangement with this person was or company?

A. Only that he would come in once or twice a week and pick up any bulk items that we had that were metal. There was never any money exchanged, he never paid us for anything. We just let him take it.

Q. Now, did this person or company take all of the metal items, or were some materials not taken by him?

A. He would take all the metal.

Q. Was there ever an occasion when metal items, white goods or stoves or refrigerators, were in fact disposed of at the landfill?

A. Not during the time I was there, no.

Q. Do you recall dealing with any other person at Browning-Ferris Industries of Pennsylvania, Inc.?

A. Not to my knowledge, no.

Q. Now, the contract indicates that you had a certain arrangement with B.F.I. And I ask you to look at Exhibit A to the disposal agreement. It

has the number 004875 printed in the lower right-hand corner. Do you see that page, sir?

A. Yes.

Q. Can you describe what the arrangement was for the disposal of waste material from Browning-Ferris Industries of Pennsylvania, Inc.?

A. It was a description of the waste that we would accept, you know.

Q. Was there any kind of limitation on the amount of waste that Browning-Ferris Industries of Pennsylvania could bring to the landfill?

A. Yes.

Q. Why was that? What was it and why?

MR. HANN: Objection to form.

Q. What was the arrangement, if you can recall?

A. Whatever it says here, but I don't remember why we did it. I imagine we did it for a reason at that time, but I don't remember why.

Q. I want you to turn to the page that has the number 004877 in the lower right-hand corner, please.

A. (Witness complied.)

Q. Do you have that page in front of you, sir?

1 A. Yes.

2 Q. This page sets forth some rates for disposal
3 of wastes under the agreement. Do you recall if
4 these rates are the rates that were in fact charged
5 to Browning-Ferris Industries of Pennsylvania?
6

7 A. Yes, I believe they are.

8 Q. And of course no wastes were disposed of in
9 1987 or 1988; correct?

10 A. No, no.

11 Q. And the reason for that was that the
12 landfill was closed by that time?

13 A. Yes.

14 Q. Under this agreement it appears as though
15 Browning-Ferris Industries of Pennsylvania paid you
16 a pre-payment. Is that true?

17 A. Yes.

18 Q. Why was that arrangement made?

19 A. Because I needed money.

20 Q. And that prepayment was credited against
21 disposal charges as you went forward under the
22 agreement?

23 A. Yes.

24 Q. I notice that the credits are for alternate

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months. For instance, a credit is made for May, July, September and November of 1984, which appears to me to skip months, every other month. What is the reason for that?

A. Like I said, 1984 we were not bringing in enough money to pay our bills there, and I think we set that up so that we would have enough money coming in to keep operating.

Q. Do you recall if Browning-Ferris Industries of Pennsylvania had any other customers that you knew of?

A. I don't know who they were. I think they did have other customers.

Q. Do you happen to know if any other municipalities were customers of Browning-Ferris Industries?

A. I don't know.

Q. Do you recall if the city of Reading was ever served by Browning-Ferris Industries of Pennsylvania, Inc.?

A. No.

Q. Did you make any other inquiries of B.F.I. Industries, Browning-Ferris Industries of

1
2 Pennsylvania, about the type of wastes that they
3 intended to bring to your landfill?

4 A. Did I make any --

5 Q. Did you make any inquiries of anyone at
6 B.F.I. concerning the type of waste or the nature
7 of waste that Browning-Ferris Industries of
8 Pennsylvania, Inc. intended to bring in?

9 A. That we were only accepting municipal waste,
10 and that was it.

11 Q. Do you know if Browning-Ferris Industries of
12 Pennsylvania had any industrial customers?

13 A. Yes, I think they did, yes.

14 Q. Do you happen to know the identity of any of
15 the industrial customers?

16 A. No, they didn't bring them into the
17 landfill. They tried to and we turned them away.

18 Q. Can you relate those circumstances for me?

19 A. Just that they brought in rolloff loads and,
20 according to our contract, we didn't have to accept
21 anything but the bulky material that came out of
22 Allentown, and we didn't accept anything else but
23 that.

24 Q. Did you ever have occasion to deal with any

person or official in the City of Allentown with respect to the contract between Berks Sanitary Landfill and Browning-Ferris Industries of Pennsylvania, Inc.?

A. Not that I remember, no.

Q. Mr. DeMeno, I want to show you a copy of some more dump tickets.

MS. BARNETT: Mr. DeMeno, while Mr. Embick is finding a document, I want to jump in and ask whether B.F.I. had been a customer to Berks landfill before you took over?

THE WITNESS: I don't believe they were.

MR. EMBICK: I'm going to hand a document to Miss Desher and ask that she mark it as DM-13.

(Exhibit DM-13 marked for identification.)

BY MR. EMBICK:

Q. Miss Desher has handed you what has been marked for identification as DM-13, and I ask that you take a look at it, Mr. DeMeno.

1 A. (Witness complied.)

2 Q. Mr. DeMeno, can you tell me what DM-13 is,
3 please?

4 A. It seems to be dumping slips that B.F.I. had
5 coming over, coming out of the office.

6 Q. May I represent to you that I found these
7 materials in the dump ticket boxes. That's the
8 original that you have. That's what I had the
9 court reporter mark as an exhibit, copies of which
10 are marked as an exhibit. So this is billing
11 information that relates to B.F.I. to the best of
12 your knowledge?

13 A. Yes.

14 Q. Can you tell me who would have created the,
15 it looks like an adding machine tape, which is the
16 first page of DM-13?

17 A. Right.

18 Q. Do you know who would have produced that or
19 created that?

20 A. Whoever would have been on the scale at that
21 time. I don't know who.

22 Q. You think that DM-13 was something that was
23 produced by the weighmaster?
24

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2 A. Yes.

3 Q. It looks to me as though it is a kind of a
4 billing record, a summation of tickets that a
5 billing officer or employee may have created.

6 A. This is a summary of loads that were dumped,
7 and they totaled how many yards would have been
8 dumped there.

9 Q. I just wanted to find out who you thought
10 created it, and you indicated it may have been the
11 weighmaster, and I'm suggesting that it may have
12 been somebody that you had doing your billing.

13 A. No.

14 Q. And the second page of DM-13 with
15 handwriting on it, can you tell me what that is,
16 please?

17 A. I would say just a summary of loads that
18 were dumped. It is probably something that they
19 did. I don't know.

20 Q. Take a look at the third page, please, which
21 appears to be some sort of an invoice or some sort
22 of a record, and it bears the number 0359 in the
23 upper right-hand corner.

24 A. Yes.

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Q. Can you tell me what this document is, sir?

A. Just the loads that came in. It was the slip that they kept track of the loads that B.F.I. brought in.

Q. This was a slip that the weighmaster would have or create?

A. Yes.

Q. In the middle of the page there are some handwritten entries in columns, and the first entry, well, the columns read "No. Yds.," and the next column reads "Co. Trash Picked Up At - Type of Trash". The next column is "Initials," and the next column has the letters "(O)," and below that is "(P)," and the next column has the word printed "Date". I'm assuming that the first column, "No. Yds", stands for number of yards disposed of; is that correct?

A. Yes.

Q. And the next column, "Co. Trash Picked Up At - Type of Trash", that relates to where the waste originated from?

A. It was either that or the number of the truck. I'm not sure.

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Q. And the column for "Initials," what was that supposed to represent? What information was designed to go into that column?

A. That would be the drivers that they put over here.

Q. And the column that has "(O)" and "(P)" in it, what was designed to go in that?

A. Open or Packer.

Q. Waste contained in an open truck or open container?

A. Right.

Q. Or waste contained in a packer container or vehicle?

A. Yes.

Q. And then the column after that contains the word "Date". What was that to refer to?

A. That was the date it was dumped there.

Q. So the handwritten entry that is there reads, the first one reads 20, which represents 20 cubic yards?

A. Yes.

Q. And then the number after that, in this instance 630, what does that refer to?

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A. The one below that?

Q. No, right next to 20 going horizontally.

A. I imagine that was the truck number.

Q. That you think was a truck number that relates to a vehicle that was owned or operated by B.F.I.?

A. Yes.

Q. And the word next to it, "Emery," what does that refer to?

A. That would be the driver's name.

Q. And of course the date, 5/5/84, meaning May 5th, 1984?

A. Yes.

Q. That was the date that a truck containing 20 cubic yards operated by a driver named Emery disposed of wastes at the landfill; correct?

A. Yes.

Q. Do you happen to know any of the B.F.I. drivers that are listed here?

A. No.

Q. Looking over the list, and I'll ask you to page over the next three or four pages, do you happen to remember any of the drivers' names that

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are listed on these documents?

A. No.

Q. If the you could flip, sir, to the first dump ticket, which has the number 04499 printed on it, do you see that, sir?

A. Yes.

Q. At the top of that page in handwriting, it looks to be the words or letters "2 lds = 64 yds". Do you know what that refers to?

A. It would be two 32-yard loads.

Q. Do you know what that means in reference to this dump ticket?

MR. HANN: Objection to form.

Q. This dump ticket has the number 32 written in the line that relates to yards. And at the top of the page, it says two loads equals 64 yards. So I'm wondering if this tickets refers to one load of 32 yards or two loads of 32 yards for a total of 64 yards.

A. It says two loads 64 yards. I don't know.

Q. The handwritten number in the upper right-hand corner, it has a pound sign and then the handwritten number 639. What does that refer to,

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if you know?

A. That's the truck number.

Q. And down toward the bottom of the page, the letters "chg", do you know what they refer to?

A. Charge.

Q. Does that relate to a way that B.F.I. was billed for the disposal of wastes?

A. Yes, their loads were all charged.

Q. So they didn't pay cash on a per load basis, they had a charge?

A. Yes.

Q. Now, if you would, sir, I'd like you to go to a page that is approximately four pages from the end of the package that's been marked DM-13.

A. (Witness complied.) What was it marked?

Q. It has the number 00070 in the upper right-hand corner. Do you have that one in front of you, sir?

A. Yes.

Q. This document has the title Public Weighmaster Certificate on it, and it appears to be a document that was utilized by Berks Sanitary Landfill, Inc. Is that correct?

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2 A. Yes.

3 Q. The document that is in the package just
4 prior to number 00070 has the number 04861 in the
5 upper right-hand corner.

6 A. Yes.

7 Q. And it's a document that bears the title
8 Berks Landfill Corporation. My question to you is
9 why is number 00070 a document that has the company
10 name Berks Sanitary Landfill on it?

11 A. We probably were still using Berks Landfill
12 Corporation tickets at that point.

13 Q. So this doesn't represent any particular
14 change other than you started using a different
15 form; is that correct?

16 A. Yes.

17 Q. I notice, sir, that dump ticket number 00070
18 has scale information on it; is that correct?

19 A. Yes.

20 Q. Do you know if B.F.I. was being billed on a
21 per ton basis or on a per yard basis?

22 A. Per yard basis.

23 Q. So what, if any, utility was the scale
24 information written on the ticket for?

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2 A. Even though we charged by the yard, in some
3 cases we still weighed the trucks as they came in.

4 Q. Do you recall if there ever was a time when
5 B.F.I. Industries, Browning-Ferris Industries of
6 Pennsylvania, Inc. exceeded any volume limit that
7 was set under the agreement at the landfill?

8 A. To my knowledge, I wouldn't remember if they
9 did.

10 Q. Mr. DeMeno, I want to show you real briefly,
11 if I can find it here, another Berks Landfill
12 document that I'll ask Miss Desher to mark as DM-14.

13 (Exhibit DM-14 marked for
14 identification.)

15 Q. Have you had an opportunity to look at DM-14?

16 A. I'm looking at that now.

17 Q. Can you identify what that is, sir?

18 A. Probably bookkeeping.

19 Q. I'll represent to you that DM-14 came out of
20 one of the files contained in box number 5. This
21 is the original file folder, and DM-14 is a page
22 that I took out of that file. So my question to
23 you is does this page represent a calculation by
24 Berks Landfill Corporation or Berks Sanitary

1
2 Landfill, Inc. concerning the dumping agreement
3 that your landfill had with B.F.I.?

4 A. I believe so, yes.

5 Q. This document at the top indicates, or at
6 least the words are printed, there's an asterisk
7 and then there are the words allowed 40,000 cubic
8 yards per year. And following that are the words
9 in parenthesis, "yearly yardage".

10 MR. HANN: It says "allowed 40,000
11 yards".

12 MR. EMBICK: I'm sorry, did I
13 misstate that?

14 MR. HANN: Yes.

15 Q. It says "allowed 40,000 yards per year".
16 Does this represent a limitation on the volume that
17 B.F.I. was permitted to dump at the landfill?

18 A. Yes.

19 Q. I ask you again, do you recall any instances
20 where B.F.I. may have exceeded the 40,000 yards per
21 year limit?

22 A. If they did, I don't remember at this point.

23 Q. And does this page represent the application
24 of some sort of credit to B.F.I. for the privilege

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of dumping?

A. What does this have to do with the contract? They skipped every other month or something. They paid us and there was a credit for certain months, yes.

Q. In your contract with Browning-Ferris Industries of Pennsylvania, Inc. which we marked as DM-12, Exhibit A to the agreement sets forth in the period beginning April 1st, '84 through March 31st, 1985 that the amount of waste that B.F.I. could bring to the landfill was not less than 40,000 cubic yards nor more than 90,000 cubic yards. That's the page number 004875 in Exhibit DM-12. Do you see where I'm indicating on page number 004875?

A. Yes.

Q. Does that refresh your recollection about my question to you as to whether or not B.F.I. exceeded the 40,000 cubic yard minimum in 1985?

A. You asked me that. I don't remember, I don't know.

Q. Do you know of anybody that would have that information?

A. If it's not in there, it's the only

1 information I would have.

2
3 Q. Is there any other person that you know of
4 who would know or have information about the
5 volumes of waste that Browning-Ferris Industries of
6 Pennsylvania, Inc. brought to the landfill?

7 A. No.

8 Q. I'm going to show you, sir, another --

9 MR. HANN: Let's go off the record.

10 (Discussion off the record.)

11 (Recess taken from 11:38 a.m. until
12 11:50 a.m.)

13 BY MR. EMBICK:

14 Q. Mr. DeMeno, could you go back to DM-13 for a
15 moment. That's a billing record that we discussed
16 earlier. Mr. DeMeno, my question now is do you
17 know if the waste materials represented by the dump
18 tickets in DM-13 originated from the City of
19 Allentown?

20 A. Yes.

21 Q. Were there any other customers that you know
22 of that B.F.I. was serving besides the City of
23 Allentown with respect to your agreement to accept
24 wastes at the landfill?

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(encl)

A. I don't know if they were servicing any other accounts. If they were, they weren't bringing it into the landfill.

Q. So is it fair to say that all of the wastes that Browning-Ferris Industries of Pennsylvania, Inc. was bringing into your landfill originated in the City of Allentown?

A. As far as I know, yes.

Q. I want to show you another billing document that I'll have marked as DM-15 please.

(Exhibit DM-15 marked for

identification.)

Q. I'm going to hand this to you, Mr. DeMeno, and ask you to take a quick look at it. I'm also giving you the original which, I believe it's the original that came out of your billing file.

A. Okay.

Q. Can you tell me what DM-15 is, sir?

A. This would be a billing. This would be a summary of the billing.

Q. You are referring to page 2 of DM-15? The first page is a --

A. -- is a bill.

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- 1 Q. The second page is --
- 2 A. -- a summary of this bill.
- 3 Q. And following that page 3 to the end?
- 4 A. These would be scale certificates.
- 5 Q. It says they are dump tickets.
- 6 A. Dump tickets, yes.
- 7 Q. Weighmaster slips are the same things as
- 8 dump tickets in our conversation?
- 9 A. Yes.
- 10 Q. Now, this appears to me to be a
- 11 computer-generated bill; is that correct?
- 12 A. Yes.
- 13 Q. Up in the right-hand corner there is
- 14 printing on the form that says account number,
- 15 "Account No." And following that looks to be a
- 16 computer-generated number, BL30003. Can you tell
- 17 me what that is, sir?
- 18 A. No.
- 19 Q. You have no idea what the number BL30003 is?
- 20 A. Not really, no.
- 21 Q. So is it fair to say that this represents
- 22 billing for B.F.I.'s dumping of wastes at the
- 23 landfill for the month of April, 1986?
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A. If they are all April, it seems to be, yes.

Q. And to the best of your knowledge, sir, were the wastes that are represented here generated in the City of Allentown or by the City of Allentown?

A. Yes.

Q. And the wastes to the best of your knowledge are municipal-type wastes?

A. Yes.

Q. And that relates back to the description of wastes contained in the B.F.I. contract which was marked earlier as DM-12?

A. Yes.

Q. Do you know who prepared this bill which is represented by the first page of DM-15?

A. Whoever worked in the office at that time. I don't know.

Q. Do you happen to know who would have been working in the office in April of 1986?

A. My daughter probably or one of the other girls.

Q. Your daughter Dana?

A. Yes.

Q. And who were the other people, if you recall?

Robert C. DeMeno

61

1 A. I can't remember their names.

2 Q. Now, sir, do you recall if Allentown
3 Osteopathic Medical Center was a customer of B.F.I?

4 A. What was it?

5 Q. Allentown Osteopathic Medical Center.

6 A. Not to my knowledge.

7 Q. Do you recall if the J.T. Baker Chemical
8 Company, Incorporated was a customer of B.F.I.?

9 A. No.

10 Q. Do you know if any wastes from J.T. Baker
11 Chemical Company, Incorporated ever were disposed
12 of in the Berks Landfill?

13 A. Not to my knowledge.

14 Q. We talked a little bit earlier, Mr. DeMeno,
15 about Disposal World and Mr. Nichols. And I
16 believe you indicated that Mr. Nichols and Disposal
17 World had disposed of certain wastes at the
18 landfill; is that correct?

19 A. Yes.

20 Q. Do you recall now any additional customers
21 of Disposal World?

22 A. No.

23 Q. At any time did you know who the customers
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of Disposal World were?

A. No.

Q. Did you know of any other personnel that worked for Disposal World?

A. If I did, I don't remember at this point.

Q. Do you recall any salesmen?

A. No.

Q. Do you recall the names of any people that did the billing for Disposal World, if any?

A. I don't know really who did their billing.

Q. Now I want to move on to Christman. It's my understanding that there are a number of people who have the name of Christman and I don't have them all straight, and I'm going to ask you some questions designed to help me get it straight. Do you know a Mr. Dennis Christman?

A. Yes.

Q. Who is Mr. Christman?

A. He was a hauler.

Q. Do you know what the name of his company was, if any?

A. I don't remember.

Q. Does the name Lenhartsville Landfill mean

1 anything to you?

2 A. What's the name?

3 Q. Lenhartsville Landfill.

4 A. No.

5 Q. Was Lenhartsville Landfill the name of
6 Mr. Dennis Christman's hauling company?

7 A. It could have been, yes.

8 Q. Do you know for sure or not?

9 A. I don't remember.

10 Q. Does the name Lenhartsville Disposal mean
11 anything to you?

12 A. I think that was his company, I'm not sure.

13 Q. So you think the name of his company was
14 either Lenhartsville Landfill or Lenhartsville
15 Disposal?

16 A. Something like that, yes.

17 Q. Did you use those two names interchangeably
18 when referring to Mr. Dennis Christman's company?

19 A. Not that I know of.

20 Q. Was Mr. Dennis Christman a customer of the
21 Berks landfill?

22 A. For a short time, yes.

23 Q. Did his company, Lenhartsville Disposal or
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Lenhartsville Landfill, utilize the landfill for the disposal of wastes?

A. For a short time, yes.

Q. What period of time, if you can remember?

A. I think it was late '86 right before the landfill closed.

Q. Do you know any customers of Mr. Dennis Christman and his company, Lenhartsville Landfill or Lenhartsville Disposal?

A. No.

Q. Are you familiar with a person named Carl Christman?

A. Yes.

Q. Who is Mr. Carl Christman?

A. He was the owner of a landfill in Kutztown.

Q. Could you tell me what the name of the landfill was?

A. I thought it was Christman Landfill. Now that you are saying about Lenhartsville, I don't know. I thought it was Christman's landfill.

Q. So it's your understanding that Mr. Carl Christman operated a landfill in the Kutztown area?

A. Yes.

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Q. Was Mr. Carl Christman or his company, if he had a company, ever a customer of the Berks landfill?

A. No.

Q. Are Mr. Carl Christman and Dennis Christman related in any way; do you know?

A. Yes.

Q. What's their relationship?

A. Father and son.

MS. BARNETT: Who's the father?

THE WITNESS: Carl.

Q. Are you familiar with a person named Stanley Christman?

A. No.

Q. Are you familiar with a person whose name is Barry Christman?

A. No.

Q. So the only people, the only Christmans that you know of are Carl Christman and Dennis Christman?

A. Yes.

Q. Did you ever have any discussions with one of the Christmans that we've discussed, either Dennis Christman or Carl Christman, about the

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purchase of a landfill?

A. Yes.

Q. What was the nature of those conversations?

A. We had an option to buy the Christman landfill.

Q. Was that a written option?

A. Yes.

Q. Do you have a copy of it?

A. My attorney might have it.

Q. Would that be Mr. Kilcoyne?

A. Yes. Well, probably Dave Brooman would, too. It should have been in their files.

Q. I haven't reviewed all of their files yet. And was the option successfully exercised?

A. No.

Q. Did you form a corporation that was in any way related to the option to purchase the Christman landfill?

A. Yes.

Q. And what was that corporation?

A. Windsor Model Sanitary Landfill.

Q. When was that corporation formed?

A. I don't remember.

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Q. For what purpose was that corporation formed?

A. To eventually buy the landfill.

Q. And can you tell us why the option wasn't exercised?

A. Carl Christman backed out on the option.

Q. Did any wastes from the Christman landfill or the companies operated by Dennis Christman come to the landfill?

A. Not from the landfill. From his accounts probably.

Q. His customers?

A. Customers.

Q. And you earlier testified you don't remember any of his customers?

A. No, I don't remember. By the way, he never paid his bill.

Q. Do you happen to know how many trucks Dennis Christman had?

A. Off the top of my head, it was maybe one or two.

Q. What kind of trucks were they, if you can recall?

1
2 A. A front-loader and a rear-loader.

3 Q. Any rollofts?

4 A. No.

5 Q. Did you have any contracts with Christman
6 other than the one that we talked about earlier
7 which was an option agreement?

8 A. No.

9 Q. Do you know any other Christman personnel?

10 A. No.

11 Q. Did Christman have a salesman, did Dennis
12 Christman have a salesman?

13 A. I don't know.

14 Q. Do you know the identity of any people that
15 may have done billing for Mr. Christman?

16 A. No.

17 Q. Do you know if Mr. Christman had an attorney?

18 A. No.

19 Q. Did Mr. Kilcoyne deal with anybody at
20 Christman in connection with the option to purchase
21 the Christman landfill?

22 A. Yes.

23 Q. Who was that?

24 A. Carl Christman, and I can't think of his

Robert C. DeMeno

ORIGINAL
69

attorney's name at this point.

Q. Did Christman bring any waste materials to the landfill that were rejected for any reason by you?

A. No.

Q. Could you describe what type of waste Christman brought to the landfill for disposal?

A. Municipal waste.

Q. Do you know if Christman served any municipal customers?

A. I don't know.

Q. Do you know if Christman served any industrial or manufacturing customers?

A. I don't know.

Q. By customers, I mean generators.

A. No.

Q. What happened to Dennis Christman and his company?

A. To my knowledge, he went out of business.

Q. Was Dennis Christman acquired by anybody to your knowledge?

A. I don't know.

Q. You don't know if he sold out to anybody?

1
2 A. No.

3 Q. Sir, are you familiar with a Jean Christman?

4 A. I think that was Carl's wife, if I'm not
5 mistaken. I think that was his wife.

6 Q. And you think her name was Jean Christman?

7 A. I believe so, yes.

8 Q. Did she have any role with respect to the
9 Christman landfill or Lenhartsville Disposal or
10 Lenhartsville Landfill?

11 A. I think she was part owner of the property
12 that the landfill was on.

13 Q. Did you institute any litigation against the
14 Christmans, Carl Christman, Dennis Christman or
15 Jean Christman?

16 A. Yes, all three.

17 Q. What was the nature of the litigation?

18 A. He backed out of the contract that we had.

19 Q. So you attempted to enforce your contract?

20 A. Yes.

21 Q. And what happened?

22 A. It took seven or eight years to get it into
23 court, and they made a settlement and that was it.

24 Q. I'm going to move on to Zerbe now,

Robert C. DeMeno

71

1 Z-E-R-B-E. are you familiar with a person or an
2 entity known as Zerbe?

3 A. I think they dumped at the landfill for a
4 period of the time.

5 Q. Was Zerbe a person or an entity, a corporate
6 entity or a partnership?

7 A. I don't know.

8 Q. When did they dispose of waste at the Berks
9 landfill?

10 A. I'm not sure.

11 Q. Do you know who the owners or principals of
12 Zerbe were if it was a corporation?

13 A. No.

14 Q. Can you tell me the names of any people that
15 you dealt with at Zerbe?

16 A. I didn't really deal with any of them. The
17 only one that would deal with them was the scale
18 master.

19 Q. Do you know any employees of Zerbe?

20 A. No.

21 Q. Did you ever meet a person that had the name
22 Zerbe?

23 A. I didn't meet them. I saw them there, but I
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never really met them.

Q. Do you happen to know the identity or names of any of the truck drivers of Zerbe?

A. No.

Q. Do you know how many trucks Zerbe had?

A. No.

Q. Do you know what type of trucks he had?

A. I think they were all rear-loaders.

Q. Any rollofs?

A. Not to my knowledge.

Q. Do you happen to know any customers of Zerbe?

A. No.

Q. Do you know if Zerbe was handling any wastes generated by industrial companies or manufacturers?

A. Not to my knowledge.

Q. Did you have any contracts with Zerbe?

A. No.

Q. Did there ever come a time when Zerbe brought any wastes to the landfill for disposal which were not acceptable to you?

A. Not to my knowledge.

Q. So there was no occasion when you had to re-load wastes that were brought by Zerbe or turn

1
2 them away?

3 A. No, not that I know of.

4 Q. Do you know if Zerbe brought any wastes from
5 a transfer station?

6 A. No.

7 Q. Can you recall anything else about Zerbe's
8 wastes that were brought to the Berks landfill for
9 disposal?

10 A. Only that it was municipal waste.

11 Q. Do you know if Zerbe hauled for any
12 municipalities?

13 A. They may have, I don't know.

14 Q. Do you know what happened to Zerbe?

15 A. No.

16 Q. Do you know if they were acquired by anybody?

17 A. No.

18 Q. Do you know if Zerbe was related to any
19 other companies or entities or persons?

20 A. Not to my knowledge.

21 MS. BARNETT: Mr. DeMeno, was Zerbe
22 a customer of the landfill before you took
23 it over?

24 THE WITNESS: I'm not sure, I'm not

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sure.

MS. BARNETT: Thank you.

BY MR. EMBICK:

Q. Now I want to talk about Milford Fry, F-R-Y.
Are you familiar with a person or an entity known
as Milford Fry?

A. Yes.

Q. Who are they or who is it?

A. I don't really know. I know that they
dumped trash there. I don't know who they are.

Q. Do you know if this was a person or an
entity?

A. I think it was a person.

Q. Do you know who the owner of Milford Fry
was?

A. I imagine it was Fry, Mr. Fry. I don't
know.

Q. Did you ever meet Mr. Fry?

A. I may have. I don't remember, just that he
would come into the scale house.

Q. Did you have any contracts with Milford Fry?

A. No.

Q. Do you know any employees or any other

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persons who might have worked with Milford Fry?

A. No.

Q. Do you know what kind of trucks Milford Fry had?

A. To my knowledge, it was just a rear-loader.

Q. More than one rear-loading truck?

A. I don't know how many he had.

Q. Do you recall what kind of wastes Milford Fry brought to the landfill for disposal, if any?

A. Municipal waste.

Q. Do you know where the municipal waste originated?

A. Probably in the Reading area.

Q. Do you know if Milford Fry had any municipal customers?

A. I don't know.

Q. Do you know if Milford Fry had any industrial or manufacturing generator customers?

A. I don't know.

Q. Do you know any other employees or personnel of Fry?

A. No.

Q. Do you know if they had an attorney?

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Robert C. DeMeno

1
2 A. I don't know.

3 Q. Did you ever deal with an accountant or
4 salesman representing Fry?

5 A. No.

6 Q. Was there ever an occasion when Fry brought
7 any wastes to the landfill that were not acceptable
8 to you for any reason?

9 A. Not to my knowledge.

10 Q. Do you know what happened to Fry?

11 A. No.

12 Q. Do you know if Fry was acquired by any
13 person or company?

14 A. I don't know.

15 Q. Do you know if Fry was related in any way to
16 any other entity or business or person?

17 A. Not to my knowledge.

18 Q. Isaiah George, is that a name or person
19 that's familiar to you?

20 A. The name is familiar, yes.

21 Q. Who or what was Isaiah George?

22 A. It was a company that brought in trash to
23 the landfill.

24 Q. Do you know if it was a company, a

ORIGINAL 77

Robert C. DeMeno

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partnership or a sole proprietorship?

A. I don't know.

Q. Do you know a person named Isaiah George?

A. I never met him. I don't know if that was the name of the company or that was the owner's name.

Q. Do you know the identity of any person who was affiliated or was an employee of Isaiah George?

A. No.

Q. Do you know what kind of trucks Isaiah George had or used?

A. To my knowledge, it was a rear-loader.

Q. How many trucks?

A. One.

Q. Do you know where the principal office of Isaiah George was?

A. No.

Q. Do you know if Isaiah George had an attorney?

A. I don't know.

Q. An accountant?

A. I don't know.

Q. A salesman?

A. I don't know.

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Q. Do you happen to know what customers Isaiah George served?

A. Just that he was bringing in municipal waste to us. I don't know where he got it from.

Q. Do you happen to know if Isaiah George had any municipal generator customers?

A. I don't know.

Q. How about municipal or manufacturing generator customers?

A. I don't know.

Q. Did you have a contract with Isaiah George?

A. No.

Q. Was there ever an occasion when Isaiah George brought waste to the landfill that wasn't acceptable to you for any reason?

A. Not to my knowledge.

Q. Do you know what happened to Isaiah George?

A. No.

Q. Do you know if Isaiah George was acquired by anyone?

A. I don't know.

Q. Do you know if Isaiah George was related to or involved with any other solid waste businesses

1 or companies?

2 A. Not to my knowledge.

3 Q. Do you happen to know what geographic area
4 the municipal waste disposed of by Isaiah George at
5 the Berks landfill came from?
6

7 A. No.

8 Q. Now I'm going to move on to H. R. Guard.

9 A. Who or what was H. R. Guard?

10 A. Just that he was a hauler that came into the
11 landfill, I don't know.

12 Q. H. R. Guard disposed of wastes at your
13 landfill?

14 A. Yes.

15 Q. Do you know who the owners or principals of
16 H. R. Guard were?

17 A. No.

18 Q. Do you know any employees of H. R. Guard?

19 A. No.

20 Q. Do you know any truck drivers who worked for
21 H. R. Guard?

22 A. No.

23 Q. Do you know where the principal office of
24 Guard was?

1
2 A. No.

3 Q. Do you know how many trucks H. R. Guard used
4 to dispose of wastes to your landfill for disposal?

5 A. Just off the top of my head, one or two.

6 Q. What kind of trucks, if you recall?

7 A. Rear-loader.

8 Q. What capacity?

9 A. I think one was a small, like a 13-yard
10 truck, and the other was maybe a 20-yard or
11 19-yard, something like that.

12 Q. Do you happen to remember the names or
13 identities of any truck drivers who worked for
14 Mr. Guard or H. R. Guard?

15 A. No.

16 Q. Do you know if H. R. Guard owned any rolloff
17 containers?

18 A. Not to my knowledge.

19 Q. Did you have any contracts with H. R. Guard?

20 A. No.

21 Q. So you basically were on a per load basis?

22 A. Correct.

23 Q. And you would either charge them or bill
24 them or they would pay cash?

1 A. Or pay a check at the gate, whatever.

2 Q. Do you know if Guard was represented by an
3 attorney?
4

5 A. I don't know.

6 Q. Did they have an accountant?

7 A. I don't know.

8 Q. How about a salesman, do you know if they
9 had a salesman?

10 A. I don't know.

11 Q. Was there ever a time when H. R. Guard
12 brought waste to the landfill that was unacceptable
13 to you for any reason?

14 A. Not to my knowledge.

15 Q. Do you know if they had any municipal
16 customers?

17 A. I don't know.

18 Q. Do you know if they served any industrial or
19 manufacturing generator customers?

20 A. Don't know.

21 Q. What happened to H. R. Guard?

22 A. I don't know.

23 Q. Do you know if H. R. Guard was acquired by
24 any entity?

Robert C. DeMeno

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Exhibit
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A. I don't know.

Q. Do you know if H. R. Guard acquired anybody?

A. I don't know.

Q. Do you happen to remember when H. R. Guard utilized your landfill for disposal of waste?

A. I think from when we first took over until the time we closed, I imagine.

Q. Now I want to move on to Good, H. R. Good.? ? Is that a name that's familiar to you?

A. Yes.

Q. Who or what is H. R. Good?

A. It's a hauling company that came into the landfill for a short period.

Q. Do you know if it was a company or it was a sole proprietorship?

A. I don't know.

Q. Do you know anybody who was affiliated with H. R. Good?

A. No.

Q. Was there a person named H. R. Good that you know of?

A. I don't know.

Q. Did H. R. Good dispose of wastes at your

1 landfill?

2 A. Yes, for a short time.

3 Q. When was that, do you know?

4 A. In the beginning of '84. He was a customer
5 of Lombardo that I know of.

6 Q. Do you know why H. R. Good stopped using the
7 landfill?

8 A. They thought we raised the prices too high.

9 Q. Do you happen to know any truck drivers or
10 other employees who worked for H. R. Good?

11 A. No.

12 Q. Do you know if H. R. Good had a principal
13 office?

14 A. I don't know.

15 Q. Do you recall how many and what type of
16 trucks, disposal trucks that H. R. Good utilized?

17 A. He only came with the rear-loaders.

18 Q. Do you happen to know what the capacity of
19 those rear-loaders were?

20 A. 20 and 25 yards, I think.

21 Q. Do you know if they owned or utilized any
22 rolloff containers?

23 A. Not to my knowledge.
24

ORIGINAL

1 Q. Do you know if H. R. Good utilized or served
2 any municipal generator customers?
3

4 A. I don't know.

5 Q. Do you know if they serviced any industrial
6 or manufacturing companies?

7 A. I have no idea.

8 Q. Did there ever come a time when H. R. Good
9 brought wastes to the landfill that weren't
10 acceptable to you?

11 A. Not to my knowledge.

12 Q. You don't remember any information about
13 H. R. Good's customers?

14 A. No.

15 Q. Do you have an idea about what geographic
16 area H. R. Good served or serviced?

17 A. No.

18 Q. Did you have any contracts with Good?

19 A. No.

20 Q. Do you know if Good had an attorney?

21 A. I don't know.

22 Q. Do you know if they had an accountant?

23 A. I don't know.

24 Q. Do you know what happened to Good?

1
2 A. No.

3 Q. Do you know if they were acquired by anyone?

4 A. I don't know.

5 Q. Do you know if they acquired anybody else?

6 A. Not to my knowledge.

7 Q. Did Good ever come back to the landfill
8 seeking to dispose of wastes after you indicated
9 they chose to utilize another site?

10 A. No.

11 Q. Do you know if Good was related to or
12 involved with any other solid waste companies or
13 entities?

14 A. Not to my knowledge.

15 Q. Hoffa's Disposal Service, is that a name
16 that's familiar to you?

17 A. Yes.

18 Q. What is Hoffa's Disposal Service?

19 A. Just a hauler that came into the landfill.

20 Q. A hauler that brought wastes for disposal at
21 the landfill?

22 A. Yes.

23 Q. Do you know if Hoffa's Disposal Service was
24 a corporation, a partnership or a sole

Robert C. DeMeno

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proprietorship?

A. I have no idea.

Q. Did you know any personnel or persons affiliated with or associated with Hoffa's Disposal Service?

A. No.

Q. Was there a Mr. Hoffa that you dealt with?

A. No. There may have been, I never dealt with him.

Q. Do you know any employees of Hoffa?

A. No.

Q. Do you recall the identities or names of any truck drivers of Hoffa?

A. No.

Q. Do you know where Hoffa's principal office is located?

A. No.

Q. How many trucks did Hoffa have?

A. I have no idea. He was a small hauler, he probably had one or two trucks.

Q. Do you happen to know what type of trucks they were?

A. Rear-loaders.

1 Q. Do you know what capacity they were?

2 A. Anywhere from 13 to 20.

3 Q. Do you know if Hoffa utilized any rolloff
4 containers?

5 A. Not to my knowledge.

6 Q. Did you have any contracts with Hoffa?

7 A. No.

8 Q. Did you have any other relationship with
9 Hoffa's Disposal Service?

10 A. No.

11 Q. Did you or any of your corporations have any
12 other relationship with Hoffa?

13 A. No.

14 Q. Do you know if Hoffa was represented by an
15 attorney?

16 A. I don't know.

17 Q. Do you know if they had an accountant?

18 A. I don't know.

19 Q. Do you know if they had a salesman?

20 A. I don't know.

21 Q. Did there ever come a time when Hoffa
22 brought any wastes to the landfill which weren't
23 acceptable to you for any reason?
24

Robert C. DeMeno

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2 A. Not to my knowledge.
3 Q. Do you know what happened to Hoffa?
4 A. I don't know.
5 Q. Was Hoffa acquired by anyone that you know
6 of?
7 A. Not that I know of.
8 Q. Did Hoffa acquire anyone else?
9 A. I don't know.
10 Q. Do you know if Hoffa was related to or
11 affiliated with any other entities involved in the
12 solid waste business?
13 A. Not to my knowledge.
14 Q. I want to move on to someone named Thomas.
15 Is that a familiar name to you?
16 A. Yes.
17 Q. What is or who is Thomas?
18 A. A hauling company.
19 Q. Do you know the full name of Thomas?
20 A. Not off the top of my head.
21 Q. Was his name Dick Thomas?
22 A. Yes.
23 Q. Do you know if Dick Thomas was a sole
24 proprietorship, a partnership or a corporation?

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A. I don't know.

Q. Did Thomas dispose of wastes at the Berks landfill?

A. Yes.

Q. What type of wastes?

A. Municipal wastes.

Q. Do you know who Thomas's customers were?

A. I know of one or two. They had something to do with the City of Reading. I can't remember the name of it. It was a development of homes that he picked up for the City of Reading. And I think he picked up some trash for the City of Reading that I know of.

Q. Do you know any other customers of Thomas?

A. No.

Q. You say that Mr. Thomas had some sort of an arrangement with the City of Reading?

A. Yes, that was a separate -- in other words, he had two accounts with us. One was for trash that he picked up on his own, I guess, and then there was trash that he picked up for the City of Reading. I don't know if it was Reading Parks Division or Reading something. I don't remember.

1 Q. Do you know if Mr. Thomas had some sort of
2 contract with the City of Reading?
3

4 A. I don't know.

5 Q. Do you happen to recall the name of the
6 residential development that Thomas picked up from
7 that you mentioned earlier?

8 A. I don't remember the name, no.

9 Q. Do you remember any other customers of
10 Mr. Thomas or Thomas?

11 A. No, the only reason I know them is because
12 they were a separate billing.

13 Q. Do you know any employees or personnel who
14 worked for Thomas?

15 A. No.

16 Q. Do you know a Mr. Thomas?

17 A. I think I met him once or twice, yes.

18 Q. Did you have any contracts with Thomas?

19 A. No.

20 Q. Do you know where Thomas's office is located?

21 A. No.

22 Q. Do you happen to know what type of trucks
23 and how many trucks, waste disposal trucks, Thomas
24 had?

Robert C. DeMeno

ORIGINAL
(Red) 21

A. I don't know how many, but they were rear-loader trucks.

Q. Do you happen to know what capacity the trucks were?

A. Off the top of my head, no.

Q. Did they have any rolloff containers?

A. Not that I know of.

Q. Do you recall if you had any arrangement with Thomas concerning the price for disposal at the landfill?

A. Would you repeat that?

Q. I'm sorry. Do you recall if you had any pricing agreement with Thomas for disposal of waste at the landfill?

A. No, I think he just paid the normal rate.

Q. In an earlier deposition, you indicated that you gave Thomas a \$2.00 break due to the quantity of wastes that were brought into the landfill.

That's my representation of your earlier testimony.

Does that refresh your recollection about any pricing arrangements or agreements you had with Thomas for disposal of waste at the landfill?

A. I don't remember, I may have. I don't

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remember.

Q. Do you happen to recall how many truckloads of waste Thomas brought into the landfill?

A. Not off the top of my head, no.

Q. Do you happen to know who Thomas's customers were?

A. No.

Q. Did Thomas have any municipal generator customers?

A. Just the one that I told you for the City of Reading. I don't remember the development that he did there.

Q. Do you happen to recall if Thomas served any industrial generator or manufacturing generator customers?

A. Not to my knowledge.

Q. Did you have any contracts with Thomas?

A. No.

Q. Do you know if Thomas had an attorney?

A. No.

Q. Do you know if they had an accountant?

A. I don't know.

Q. Do you remember the identity of any truck

1 drivers that worked for Thomas?

2 A. No.

3 Q. Did there ever come a time when Thomas
4 brought any wastes to the landfill that weren't
5 acceptable to you for any reason?
6

7 A. Not to my knowledge.

8 Q. What happened to Thomas, if you know?

9 A. I don't know.

10 Q. Do you know if Thomas was acquired by any
11 entity or company?

12 A. No, I don't.

13 Q. Do you know if Thomas acquired anyone?

14 A. Not to my knowledge.

15 Q. Do you know if Thomas was affiliated or
16 related to any other people or entities involved in
17 the solid waste business?

18 A. Not to my knowledge.

19 Q. What about Bux-Mont, B-U-X - M-O-N-T?

20 A. Yes.

21 Q. What do you recall about Bux-Mont?

22 A. They were a hauler that hauled into the
23 landfill.

24 Q. Was Bux-Mont a company, a sole

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Q. Do you happen to know who the customers of Bux-Mont were?

A. No.

Q. Did Bux-Mont have any municipal generator customers that you know of?

A. Not to my knowledge.

Q. Did Bux-Mont have any industrial or manufacturing generator customers that you know of?

A. Not to my knowledge.

Q. Do you know where the principal office of Bux-Mont was?

A. I think they were in Lansdale at that time.

Q. Did the office ever move, to your knowledge?

A. I don't know.

Q. Do you know the names or identities of any other employees who worked for Bux-Mont?

A. No.

Q. Do you know the identities of any truck drivers who may have worked for Bux-Mont?

A. No.

Q. Do you know what kind of trucks?

A. They were all rear-loaders.

Q. What capacity?

1 A. 25 yards.

2 Q. Do you recall how many trucks Bux-Mont had?

3 A. Don't hold me to this. Somewhere around
4 seven or eight.

5 Q. Do you know what geographic area Bux-Mont
6 serviced?

7 A. I think they were -- no, I don't, I really
8 don't. It was, you know, Montgomery County and
9 Bucks County, but I don't know which locations.

10 Q. Sounds logical to me. Do you know if
11 Bux-Mont had any rolloff containers?

12 A. No.

13 Q. They didn't have any rolloff container
14 business that you know of?

15 A. No.

16 Q. Did you have any contracts with Bux-Mont?

17 A. Not that I know of, no.

18 Q. Are you familiar with the name of a company
19 called Genesis Leasing?

20 A. Yes.

21 Q. Tell me about Genesis Leasing?

22 A. That was owned by the same person, Tom
23 Smith. He owned Genesis Leasing and Bux-Mont.
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Q. Did you have any relationship with Genesis Leasing?

A. Yes.

Q. What was the nature of your relationship?

A. We leased some trucks through them.

Q. What type of trucks did you lease from Genesis Leasing?

A. Front-loaders.

Q. How many?

A. I don't remember.

Q. What period of time?

A. For a long period of time. I don't know, five years, six years.

Q. Was this before you purchased the Berks landfill?

A. Yes.

Q. Did your leases extend during the period after you purchased Berks landfill?

A. Yes.

Q. And you think Mr. Smith was the owner of Genesis Leasing?

A. I'm pretty sure he was, yes.

Q. Do you know if Genesis Leasing provided

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service, leasing services to any other entities or persons in the solid waste business?

A. I think they did, yes.

Q. Do you know the names of other people who utilized Genesis Leasing?

A. No.

Q. How about, do you recall dealing with any other Bux-Mont personnel such as a lawyer, an accountant, a salesman, et cetera?

A. No.

Q. Did there ever come a time when Bux-Mont brought any wastes for disposal to Berks landfill that weren't acceptable to you in any way?

A. No.

Q. Do you know what happened to Bux-Mont?

A. I think they were bought out, but I'm not sure by who.

Q. Do you recall if they were bought out by a company known as Mid-American?

A. Never heard of the company.

Q. Mid-America, ever hear of that company?

A. No.

Q. Do you have any knowledge that Bux-Mont was

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acquired by a waste management entity or company?

A. I don't know.

Q. Do you know if Bux-Mont was involved with any other persons or entities involved in the solid waste business other than Genesis Leasing?

A. No, I don't.

Q. Are you familiar with a person known as Tony D'Amore?

A. Yes.

Q. Who is Mr. D'Amore?

A. He was dumping at the landfill when I took over the landfill.

Q. Do you know if he was a sole proprietorship, a partnership or a corporation?

A. I think it was a sole proprietorship.

Q. Do you know any personnel that worked for D'Amore?

A. He was the only one that I know of.

Q. Do you happen to know how many trucks D'Amore had?

A. One.

Q. D'Amore brought wastes to the landfill for disposal?

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A. Yes.

Q. Do you know who the customers of D'Amore were?

A. Yes.

Q. Who were they?

A. Glidden Paint.

Q. Were there any other customers other than Glidden?

A. I don't know.

Q. Do you know if D'Amore served any municipal customers?

A. No.

Q. Do you know if he serviced any other industrial or manufacturing customers?

A. I'm pretty sure he just did Glidden Paint as far as I know.

Q. Do you recall how long D'Amore used the landfill?

A. Right after we bought the landfill, Mr. Lombardo came to me and told me that Tony D'Amore wanted to retire. And we ended up buying his trucks and went to see Glidden and we got a contract with Glidden to do their hauling.

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Q. When you say you, is that Globe Industrial?

A. Globe, yes.

Q. Do you know if D'Amore hauled for Western Electric?

A. Not to my knowledge.

Q. Do you know if he hauled for Bell Telephone?

A. Not to my knowledge.

Q. Clifford Hill, is that a name that's familiar to you?

A. Why are you skipping over D'Amore? Why didn't you ask me all the questions you asked me about the other companies?

Q. I happen to know the answers. I'm just kidding.

MS. BARNETT: At another stage in this litigation. We'll ask all that good stuff.

MR. EMBICK: We'll save the best for last.

THE WITNESS: That should be one of your best ones there.

BY MR. EMBICK:

Q. Clifford Hill, sir, is that a name that's

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familiar to you?

A. Yes.

Q. Who or what is Clifford Hill?

A. A hauler.

Q. Was Clifford Hill a hauler that brought wastes to Berks landfill for disposal?

A. Yes.

Q. Do you recall what time period Clifford Hill brought wastes to the landfill for disposal?

A. I think from the time we opened until the time we closed.

Q. Was Clifford Hill a customer of the landfill prior to the time you took over?

A. I believe so, yes.

Q. Do you happen to know whether Clifford Hill was a sole proprietorship, a partnership or corporation?

A. I don't know.

Q. Was there a person named Clifford Hill?

A. I don't know.

Q. Who did you deal with at Clifford Hill?

A. I didn't deal with anybody, they just came in and got on the scale.

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Q. Do you know any personnel that worked for or was associated with Clifford Hill?

A. No.

Q. Do you know the names or identities of any employees who worked for Clifford Hill?

A. No.

Q. Do you know where Clifford Hill's principal office was?

A. No.

Q. Do you know the names of any truck drivers who worked for Clifford Hill?

A. No.

Q. Do you know what type of trucks Clifford Hill used?

A. Rear-loaders.

Q. Do you happen to know their capacity?

A. No.

Q. Do you happen to know how many trucks?

A. One or two.

Q. Do you know if Clifford Hill had any rolloff business?

A. No.

Q. Did you have any contracts with Clifford

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Hill?

A. No.

Q. Do you know the name of any attorneys or accountants that worked for Clifford Hill?

A. No.

Q. Do you know the names of any dispatchers or managers that worked for Clifford Hill?

A. No.

Q. Was there ever a time that Clifford Hill brought any wastes for disposal to the Berks landfill that weren't acceptable to you for any reason?

A. No.

Q. Do you know what happened to Clifford Hill?

A. No.

Q. Do you know if Clifford Hill was acquired by any company or entity?

A. Not to my knowledge.

Q. Do you know if Clifford Hill acquired any company or entity involved in the solid waste business?

A. I don't know.

Q. Do you know if Clifford Hill was involved

with or associated with any other persons or entities involved in the solid waste business?

A. Not to my knowledge.

(Discussion off the record.)

(There was a recess from 11:47 a.m.

until 11:55 a.m.)

BY MR. EMBICK:

Q. Mr. DeMeno, I'm handing you a photograph of a person, and I want to know if you can identify that person?

A. No.

Q. If I represent to you that this is a Mr. Dennis Christman, does that refresh your recollection as to the identity of the person depicted in the photograph?

A. No.

Q. You've never seen that person before?

A. Not that I know of. That is Dennis Christman?

Q. It's been represented to me that that's Mr. Christman.

A. I met him maybe ten years. He might have aged a lot. It doesn't look like him. It could be

him.

(Witness shown two other pictures.)

THE WITNESS: No.

Q. Mr. DeMeno, I'm now going to go down the list of names that were contained in your customer account review. That was a document that we had marked earlier as DM 1. I don't know if we have it here. Do we?

A. That's all right.

Q. Albright College, is that a familiar name to you?

A. Yes.

Q. Is that one of your customers?

A. Yes.

Q. Do you happen to know what type of wastes Albright College brought to the landfill?

A. They usually bring it in with a small dump truck. It's paper cups, all kinds of trash from the college, mostly all paper.

Q. Do you happen to know from what facilities, if any, the waste was generated?

A. From the college, I imagine.

Q. Was any cafeteria waste included in this

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material?

A. Probably was, yes.

Q. Do you know if any laboratory wastes were contained in the material disposed of by Albright College?

A. No.

Q. Do you happen to know what time period Albright College utilized the landfill?

A. They were a customer of Lombardo prior to me buying the landfill and they dumped there.

MS. SCHWAB: Did the college ever bring in waste periodically when the students came into the school at the beginning of the school year and the end of the school year like furniture or white goods or mattresses?

MR. HANN: Object to form.

THE WITNESS: No. Mostly when they cleaned up their lockers and stuff like that they would bring books and stuff that the students would throw away.

BY MR. EMBICK:

Q. Their books?

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A. Well, there were books, shoes, sneakers, stuff like that, jackets, sweaters.

Q. Were there any pens?

A. I don't know.

Q. Paper clips?

A. I don't know.

MS. SCHWAB: Did the college have an incinerator?

THE WITNESS: I don't know.

BY MR. EMBICK:

Q. Do you know if any ash was brought in by Albright College?

A. Not to my knowledge.

Q. Do you know the identities of any persons that you dealt with at Albright College, or that your company dealt with?

A. I didn't deal with anybody there. They just came in, dumped, and that was it.

Q. Do you recall the names or identities of any employees of Albright College?

A. No.

Q. You said they utilized an open dump truck?

A. I believe that's what they came in with,

1
2 yes.

3 Q. Do you happen to know what size the dump
4 truck was?

5 A. Five yards.

6 Q. Do you happen to remember how frequently
7 Albright College came to the landfill seeking to
8 dispose of wastes in the dump truck?

9 A. No.

10 Q. Do you know if Albright College owned any
11 compactor boxes or rolloff containers?

12 A. Not to my knowledge, no.

13 Q. Was there ever a time that Albright College
14 brought any wastes to the landfill that were
15 unacceptable to you in any way?

16 A. No.

17 MS. BARNETT: Do you know if
18 Albright College took waste anywhere other
19 than the Berks landfill?

20 THE WITNESS: I don't know.

21 Q. Are you familiar, sir, with a company or
22 entity known as Alderfer and Frank, A-L-D-E-R-F-E-R?

23 A. Yes.

24 Q. Who was Alderfer and Frank? Who or what?

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A. They were a company located in the Telford area.

Q. Do you know the nature of Alderfer and Frank's business?

A. Yes, they had municipal pickups, trash pickups.

Q. Do you know what type of business Alderfer and Frank was involved in?

A. Only that they picked up house trash, municipal house trash.

Q. Was Alderfer and Frank a transporter or were they a generator of waste?

A. Transporter.

Q. Do you happen to know the identities of any customers of Alderfer and Frank?

A. No.

Q. Do you know if Alderfer and Frank was a corporation or a sole proprietorship or a partnership?

A. I don't know.

Q. Do you know what geographic area Alderfer and Frank served?

A. Not really, no.

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Q. Do you happen to know the identities of any customers of Alderfer and Frank?

A. No.

Q. Did Alderfer and Frank ever on any occasion bring wastes to the landfill that weren't acceptable to you?

A. No.

Q. How about Barkman, B-A-R-K-M-A-N? Is that a familiar name to you, sir?

A. Yes.

Q. Who or what was Barkman?

A. I don't remember. The name sounds familiar, but I don't think he came in that much really.

Q. Was Barkman a transporter of municipal or solid wastes?

A. Yes.

Q. Do you know the identity of any persons that were involved with or associated with or employed with Barkman?

A. No.

Q. Did you have a contract with Barkman?

A. No.

Q. Do you recall any customers who Barkman

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served?

A. No.

Q. Do you know how many trucks Barkman had?

A. No.

Q. Do you know what type of trucks Barkman had?

A. I think they had rear-loaders, but I don't remember really. The name is familiar, but I don't remember his trucks or anything like that.

Q. One of your accounts was Ben Lombardo Equipment?

A. Yes.

Q. Do you remember if Ben Lombardo Equipment was a transporter of wastes for disposal at the Berks landfill?

A. No. The only thing that he disposed of was his office trash and containers of, small containers of trash in the shop.

Q. You don't know or you have no information that Ben Lombardo Equipment was a transporter of wastes for other customers?

A. No.

Q. How about Berks Disposal Service, is that a name that's familiar to you, sir?

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A. It is and it isn't. I've heard of the name, but I don't remember a whole lot about the company.

Q. Do you recall anything about Berks Disposal Service?

A. No.

Q. Was Berks Disposal Service a transporter of wastes?

A. Yes.

Q. Do you know the identity of any person that was associated with Berks Disposal Service?

A. No.

Q. Do you know where Berks Disposal Service had an office?

A. No.

Q. Do you know anything about any vehicles that Berks Disposal Service utilized?

A. I imagine they were rear-loaders. I don't think they had anything else but rear-loaders.

Q. Do you know if Berks Disposal Service had any industrial or manufacturing generator customers?

A. Not to my knowledge.

Q. Did they ever bring wastes to the landfill that weren't acceptable to you?

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A. No.

Q. Do you know if Berks Disposal Service was acquired by any entity?

A. I don't know.

Q. Further down your list, you have a reference to the City of Reading, and there are a number of accounts for the City of Reading. The accounts that I saw involved a Bureau of Water, some sort of entity called City of Reading Community Development and City of Reading Streets Department. Are those accounts familiar to you, sir?

A. Yes.

Q. Were those three separate accounts?

A. Yes, to my knowledge. I'm not sure, I think they were.

Q. Did you have a contract with the City of Reading with respect to any of these accounts?

A. I don't remember if we had a contract or we just had a purchase order for them. I don't remember.

Q. Do you happen to know what type of wastes the City of Reading, Bureau of Water was presenting to your landfill for disposal?

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A. Just normal trash that they would accumulate, office trash, cups.

Q. Were any water treatment or sewage treatment sludges or materials presented by the City of Reading for disposal?

A. No.

Q. How about the City of Reading Community Development, do you recall what type of wastes they were bringing to the landfill for disposal?

A. Just normal everyday trash that they picked up at their community center. Like they had containers on the street that people would throw their cups in or whatever. They would dump those into 55-gallon drums, and that's what they would bring up to the landfill.

Q. Did the City of Reading have any housing developments from which wastes were derived and which were brought to your landfill for disposal?

A. They had the development, that was Thomas, I think, that was bringing that in. That was a housing development. I'm not sure of the name.

Q. Are you aware of any other wastes that the City of Reading was presenting to your landfill for

disposal that were associated with the account known as Community Development?

A. No.

Q. Mr. DeMeno, how about the City of Reading Streets Department. What kind of wastes were involved with this account?

A. They had a street sweeper, I think, that swept the trash on the street, and they would dump it into a dump truck and that's what they would bring in.

Q. Were there any wastes ever presented by the City of Reading which were unacceptable to you in any way?

A. No, not to my knowledge.

Q. Were any white goods from the City of Reading presented for disposal at your landfill? And by white goods, I mean waste stoves, waste refrigerators, waste ovens, et cetera?

A. Not to my knowledge, no.

Q. How about, sir, any wastes from the City of Reading that were derived from any automotive repair shops or laboratories?

A. No, not to my knowledge.

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Q. How about any construction or demolition waste presented by the City of Reading?

A. No.

Q. Do you happen to recall the name of any person involved with the City of Reading with whom you dealt?

A. No.

Q. Do you remember who signed a contract or purchase order, if any, with you?

A. I don't remember.

Q. Do you know if any copies of contracts or purchase orders exist?

A. I don't know if there was a contract. I know we had purchase orders. To my knowledge, I don't remember any contract with them.

Q. Did your attorney review any of these contracts or purchase orders?

A. No.

Q. A little bit further down in your customer account review, the name of Dick Thomas appears and there are two accounts which you testified to earlier. One is Dick Thomas and one is Dick Thomas Reading Housing Authority.

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A. Yes.

Q. And the Dick Thomas account that relates to the Reading Housing Authority, as I understand it, you testified earlier relates to wastes that were generated by the Reading Housing Authority?

A. Yes.

Q. And those wastes were from residential units?

A. Yes.

Q. And as best you know, Dick Thomas had a contract or a purchase order arrangement with the City of Reading; correct?

A. As far as I know, yes.

Q. Can you recall anything about the wastes brought to your landfill by Dick Thomas on behalf of the Reading Housing Authority?

A. Only that it was municipal waste.

Q. Any white goods?

A. No.

Q. By the way, what is your definition of municipal waste?

A. Newspapers, cardboard, cans, plastic bottles, normal trash.

MR. BARTMAN: Food wastes?

THE WITNESS: What's that?

MR. BARTMAN: Food wastes?

THE WITNESS: Yes, I'd say it's
municipal waste as far as I'm concerned.

MR. BARTMAN: Pesticide containers,
paint cans?

THE WITNESS: In any municipal
waste you are going maybe to come across
that. We didn't go around and pick every
can up to see what was in it. I mean we
checked every load that we could, but
something could have slipped by. You know.

BY MR. EMBICK:

Q. So when you say municipal waste, you are
referring to wastes, trash or refuse that would be
generated by residences or households?

A. No, I'd say municipal waste is trash, paper
goods or wood.

Q. What I'm talking about, sir, are the
generators of those wastes. You are describing
what the wastes are, and I'm asking you --

A. But you could still pick up a commercial

1
2 account that has municipal waste. It doesn't have
3 to come from a house, it could come from a
4 commercial job, it could come from an office
5 building. I call that municipal waste or trash. I
6 call it trash. You know, it's not residual waste.
7 It's considered as far as I'm concerned municipal
8 waste.

9 Q. Do you know if Browning-Ferris Industries of
10 Pennsylvania picked up all of the municipal waste
11 that was generated by the City of Allentown?

12 A. To my knowledge they did, yes.

13 Q. Is it your understanding that they picked up
14 wastes from the various commercial entities that
15 were located within the City of Allentown such as
16 restaurants, photo labs, stores, supermarkets?

17 A. As far as I know, they weren't contracted to
18 pick those up. The only thing I know that they
19 picked up were houses in Allentown. Any other
20 accounts that they would have gotten on their own,
21 I don't think that was --

22 MS. BARNETT: Would municipal
23 office buildings in the City of Allentown,
24 were they included in that contract?

1 THE WITNESS: To my knowledge, they
2 weren't.

3 MS. BARNETT: They were not?

4 THE WITNESS: No.

5 MS. BARNETT: Do you know who was
6 hauling the waste generated by municipal
7 offices and other municipal functions?

8 THE WITNESS: No. In Allentown you
9 mean?

10 MS. BARNETT: Yes, in Allentown.

11 THE WITNESS: No.

12 MS. BARNETT: What makes you think,
13 Mr. DeMeno, that B.F.I. was not picking up
14 that kind of material?

15 THE WITNESS: I didn't say they
16 weren't. I said to my knowledge they
17 weren't supposed to. As far as I knew, the
18 contract was just for the house pickup of
19 Allentown. I don't think they had to pick
20 up any commercial accounts unless they got
21 them on their own and supplied them with a
22 container. Then they would have to use a
23 different type truck.
24

MS. SCHWAB: How about wastes from the school district in the city of Allentown?

THE WITNESS: As far as I know, that wasn't part of their contract. I didn't see the contract, but I would say if it was a municipal contract, they don't usually include schools or office buildings. They may include maybe two or three apartment buildings or something like that.

MS. BARNETT: Was waste from the Reading School District disposed of at the landfill?

THE WITNESS: Yes.

MS. BARNETT: Who hauled waste from the Reading School District?

THE WITNESS: Reading hauled in their own truck.

MS. BARNETT: Could you describe that waste for us?

THE WITNESS: It was just normal waste from the cafeterias and from the offices.

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BY MR. EMBICK:

Q. What type of trucks were used by the school district?

A. I don't think they had packers. I think they brought everything in on like a small five by eight-yard open truck.

Q. A dump truck?

A. A little dump truck.

Q. So the wastes from the school district were not compacted?

A. That I know of, no. If they did, I don't remember. I never saw any come in there.

MS. BARNETT: Do you know what period of time the Reading School District hauled to the landfill?

THE WITNESS: From the time I took it over to the time it closed.

MS. BARNETT: Had they been hauling before?

THE WITNESS: Yes.

BY MR. EMBICK:

Q. Mr. DeMeno, how about an entity known as E. M. Cataldi, C-A-T-A-L-D-I? Is that a familiar

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name to you, sir?

A. I heard of it, yes.

Q. Who or what was E. M. Cataldi?

A. Just a small hauler.

Q. Do you know if it was a sole proprietorship,
partnership or a corporation?

A. No.

Q. Do you know the identities of the owners or
any employees of E. M. Cataldi?

A. No.

Q. Do you know the identities of any truck
drivers that worked for E. M. Cataldi?

A. No.

Q. E. M. Cataldi was a waste transporter that
presented municipal waste for disposal at your
landfill?

A. Yes.

Q. Do you know what kind of trucks E. M.
Cataldi had?

A. They had one, maybe two trucks.

Q. Do you know how long E. M. Cataldi utilized
your landfill for disposal of wastes?

A. No, I don't.

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Q. Do you know the identity of any customers served by E. M. Cataldi?

A. No.

Q. Do you have any information about the type of wastes that E. M. Cataldi brought for disposal in your landfill?

A. Just municipal waste.

Q. Do you know what geographical area E. M. Cataldi was servicing?

A. No.

Q. Do you know if there's a Mr. Cataldi or Mrs. Cataldi?

A. I imagine there is.

Q. But you don't know any of those persons?

A. No.

Q. How about an entity known as Eckman's Refuse Disposal Service. Is that a familiar name to you, sir?

A. Yes.

Q. Who or what is Eckman's Refuse Disposal Service?

A. He was a trash hauler.

Q. Do you know the identity of any person or

employees associated with Eckman's Refuse Disposal Service?

A. Yes.

Q. Who?

A. I knew the owner, Dennis Eckman.

Q. Do you know the whereabouts of Mr. Eckman?

A. The last I heard, he was working for Waste Management. I knew Dennis a lot of years.

Q. Was Eckman's Refuse Disposal Service acquired by any entity in the waste management business?

A. I think waste management, yes.

Q. What do you know about Waste Management with respect to the disposal of waste at Berks landfill?

A. What do you mean?

Q. Was Waste Management a customer of the landfill?

A. For a short time, yes.

Q. Who or what Waste Management entity was a customer of your landfill?

A. I think just a division that was working out of Reading that I know of.

Q. Do you happen to have a name that you recall of

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Waste Management?

A. That I dealt with?

Q. Yes, the name of persons that worked for Waste Management or the name of a Waste Management entity that utilized your site for disposal of wastes?

A. I think they had a small township in the Reading area; I don't know where. They only came in for a short time, I'd say maybe a month or two.

Q. Do you recall when they came in?

A. '85 sometime.

Q. When you use the words Waste Management, are you referring to any particular company or entity?

A. Only Waste Management, that's it. Waste Management of Pennsylvania, is that what you mean?

Q. I'm not sure who it is. Did they have a divisional office in the Reading area?

A. Not to my knowledge.

Q. Did you deal with any particular persons at Waste Management?

A. No, I don't think. I think they just called one time at the scale and asked if they could dump some trash there that they were picking up from a

1 township. They came in with rear-loaders.

2 Q. Did this occur on a regular basis or a
3 limited basis?

4 A. They dumped maybe once or twice a week for
5 like two months.

6 Q. And back to Eckman, you believe Dennis
7 Eckman was employed by Waste Management?

8 A. The last I heard, he was employed by Waste
9 Management because he had sold out to Waste
10 Management.

11 Q. Did I ask you if you recalled any customers
12 of Eckman?

13 A. No.

14 Q. Do you know what geographical area Eckman's
15 Disposal Service provided service to?

16 A. He picked up homes in the Montgomery County
17 area.

18 Q. Do you recall if they had any industrial or
19 manufacturing generator customers?

20 A. No, I don't think he did.

21 Q. Do you know if Eckman had any rolloff
22 service?

23 A. No.

MS. BARNETT: Do you know whether Waste Management was a customer of the landfill before you took over, Mr. DeMeno?

THE WITNESS: I don't think they were.

MS. BARNETT: Do you know whether Waste Management acquired any of the other local trash haulers in the Berks County area?

THE WITNESS: You mean while I owned the landfill?

MS. BARNETT: Yes. Or at any time actually, but while you owned the landfill.

THE WITNESS: Not that I know of.

MS. BARNETT: How about any time before, or since for that matter?

THE WITNESS: I don't know.

MS. BARNETT: Thank you.

MR. EMBICK: Let's take a break.

(Lunch recess taken from 12:20 p.m. to 1:10 p.m.)

BY MR. EMBICK:

Q. Mr. DeMeno, I'm now going to ask about Edward Lawrenson, L-A-W-R-E-N-S-O-N. Are you

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familiar with a person or an entity known as Edward Lawrenson?

A. Yes.

Q. Who was Edward Lawrenson?

A. He was a trash hauler.

Q. Was he a sole proprietorship, a partnership or a corporation?

A. I don't know.

Q. Did Edward Lawrenson dispose of waste at your landfill?

A. Yes.

Q. Do you know who the owners or employees of Edward Lawrenson were?

A. The only person I talked to was Ed Lawrenson.

Q. Was he the owner of Edward Lawrenson?

A. I believe he was, yes.

Q. Do you know if Edward Lawrenson had a principal office?

A. I imagine he did, yes.

Q. Do you know where it was located?

A. To my knowledge, it was in Jersey somewhere.

Q. Do you know what geographic area Edward Lawrenson provided service to?

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A. No.

Q. Do you know any customers of Edward Lawrenson?

A. No.

Q. Do you know if Edward Lawrenson had any industrial manufacturing generator customers?

A. To my knowledge, I don't know.

Q. Do you recall how many trucks Edward Lawrenson had?

A. No.

Q. Do you recall a period of time that Edward Lawrenson used your landfill for disposal of waste?

A. I don't know the time. I know it was during '85 and '86. It might not have been the whole year of '85. Part of '85 and '86.

Q. Can you say, sir, what type of wastes Edward Lawrenson disposed of at your landfill?

A. He only ever brought us municipal waste in the rear-loaders.

Q. Do you know if Edward Lawrenson had any rolloff or compactor boxes?

A. I think he did, yes.

Q. Do you know where those boxes were located?

A. No.

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Q. Do you know what customers were serviced by Lawrenson's rolloff boxes?

A. No. He never brought any of that into the landfill.

Q. So no rolloff container waste brought into the landfill by Lawrenson?

A. No.

Q. Did you have any contracts with Edward Lawrenson?

A. I had a conversation with him --

Q. I'm sorry, I said contracts.

A. Oh, no.

Q. Did you have any discussions or conversations with Lawrenson?

A. Yes.

Q. What was the nature of the conversations?

A. He called about dumping trash there, and I told him he'd have to pay in advance because I didn't know him, didn't know where he was located or whatever. And he would pay for so many loads in advance. He would dump that many loads, and then when he got down to the last load, he would pay for so many loads again.

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Q. Do you know if Edward Lawrenson served any municipal generator customers?

A. I don't know.

Q. Did there ever come a time when Lawrenson brought wastes to the landfill that were unacceptable to you for any reason?

A. No.

Q. Do you know what happened to Lawrenson?

A. No.

Q. Do you know if he was acquired by anyone?

A. I don't know.

Q. Do you know if he acquired any solid waste companies?

A. I don't know.

Q. Next is Frank A. Pingitore and Sons. Sir, is that a familiar name to you?

A. Yes.

Q. Who or what is Frank A. Pingitore and Sons?

A. Just a hauler.

Q. Did they bring wastes to the landfill for disposal?

A. Yes.

Q. Are you aware of any persons that worked for

1
2 or were affiliated in any way with Frank Pingitore
3 and Sons?

4 A. I think I met one of the sons one time when
5 they came in. That was it. I didn't know them.

6 Q. Do you know who the owner or principal of
7 the entity was?

8 A. No.

9 Q. Do you know if it was a sole proprietorship,
10 a corporation or a partnership?

11 A. No.

12 Q. Do you know what type of wastes Frank A.
13 Pingitore and Sons brought for disposal to your
14 landfill?

15 A. Municipal wastes.

16 Q. Do you know any customers of Pingitore and
17 Sons?

18 A. No.

19 Q. Do you know if they served any municipal
20 generator customers?

21 A. I don't know.

22 Q. Do you know if they served any industrial or
23 manufacturing generator customers?

24 A. I don't know.

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Q. Did you have any contracts with Pingitore?

A. No.

Q. Did you have any conversations with anybody at Frank A. Pingitore and Sons?

A. Just once or twice when they came in at the scale house.

Q. What was the nature of the conversations, if you can recall?

A. Just how are you doing.

Q. Do you know how many trucks Frank A. Pingitore and Sons utilized?

A. From what I remember, one or two. Two, I think.

Q. What type of trucks?

A. Rear-loader.

Q. And their capacity was what?

A. Like 20-yard.

Q. Did they have any rolloff containers?

A. Not to my knowledge.

Q. Did Frank A. Pingitore and Sons ever bring any wastes to the landfill that were unacceptable to you for any purpose?

A. Not that I know of.

1 Q. What happened to Pingitore and Sons?

2 A. I don't know.

3 Q. Do you know if they were acquired by anyone?

4 A. I don't know.

5 Q. Gambone Brothers, G-A-M-B-O-N-E. Is that
6 name familiar to you, sir?

7 A. Yes.

8 Q. What is Gambone Brothers?

9 A. They are a contractor and they had a housing
10 development going up in the Reading area somewhere,
11 I don't know where. And they had two loads of
12 trash that they brought into us - wood, dry wall.
13 And that was the extent of it. They hauled two
14 loads of construction material.

15 Q. Did they bring any other wastes to the
16 landfill that you know of?

17 A. No.

18 Q. Do you know who the principals of Gambone
19 Brothers were?

20 A. Yes.

21 Q. Who were they?

22 A. Jack Gambone and Tony Gambone.

23 Q. Did either of these gentlemen have any other
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interests or business involved with the solid waste disposal industry?

A. No.

Q. Did you have any contracts with Gambone Brothers?

A. No.

Q. Do you know if Gambone served any solid waste customers?

A. They were not in the trash business, they were in housing construction.

Q. The next is Graybill Enterprises, G-R-A-Y-B-I-L-L. Does Graybill Enterprises mean anything to you, sir?

A. They were haulers to the landfill, yes.

Q. They brought solid waste for disposal to the landfill?

A. Yes.

Q. Do you recall the identities of any owners, operators or employees of Graybill Enterprises?

A. No.

Q. Do you know who the principal of Graybill was?

A. No.

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Q. Did you have any conversations with anybody at Graybill?

A. Not that I know of. I may have seen them there, but I didn't know them.

Q. You don't know who the principal of Graybill Enterprises was?

A. No.

Q. Do you know if Graybill had any industrial or manufacturing generator customers?

A. I don't know.

Q. Do you know if they had any municipal generator customers?

A. I don't know.

Q. How long did they use your landfill, if at all?

A. I think they were there from Lombardo's time and the time that I was there.

Q. Do you know what kind of trucks Graybill Enterprises used?

A. Rear-loaders.

Q. How many?

A. I don't know. I think a couple, two.

Q. Do you recall what the capacity of those

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trucks were?

A. Anywhere from 13 to 20.

Q. Did they have any rolloff containers or compactor boxes that they used?

A. Not to my knowledge.

Q. Did you have any contracts with Graybill?

A. No.

Q. Do you know any other persons or employees or principals that may be associated with Graybill?

A. No.

Q. Did Graybill Enterprises ever bring any wastes to your landfill that were unacceptable to you for any reason?

A. No.

Q. Do you know what happened to Graybill?

A. No.

Q. Do you know if they were acquired by anyone?

A. I don't know.

Q. How about the name Hayes, H-A-Y-E-S, Construction, is that a familiar name to you, sir?

A. Yes.

Q. What do you know about Hayes Construction?

A. They used to from time to time bring in

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pieces of wood, two-by-fours and drywall and stuff like that, from construction sites that they had.

Q. What was the nature of their business, if you know?

A. I'm pretty sure they were in the construction business.

Q. Are you familiar with any personnel, employees or owners of Hayes Construction?

A. No.

Q. Do you know who the owner of Hayes Construction was?

A. No.

Q. Did they have a contract with you or Berks landfill?

A. No.

Q. Did they utilize any rolloff containers?

A. No.

Q. Do you know what kind of trucks they used for transportation of wastes for disposal at your landfill?

A. Dump truck.

Q. Do you know what size?

A. Five to eight yards.

1
2 Q. Just one truck?

3 A. I believe so, yes.

4 Q. Was there ever an occasion when Hayes
5 Construction brought wastes to your landfill that
6 were unacceptable to you for any reason?

7 A. Not to my knowledge, no.

8 Q. Do you know if Hayes Construction is still
9 in business?

10 A. I don't know.

11 Q. The next name is Hinkle Hauling Service,
12 H-I-N-K-L-E. Is that a familiar name to you, sir?

13 A. Yes.

14 Q. Who or what is Hinkle Hauling Service?

15 A. A hauler that brought trash into the
16 landfill.

17 Q. They brought wastes for disposal at your
18 landfill?

19 A. Yes.

20 Q. Do you know what period of time they
21 utilized your landfill for disposal?

22 A. I think they dumped while Lombardo was there
23 and they dumped part of the time while I was there.
24 I'm not sure how long.

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Q. Do you know who the owners or operators of Hinkle Hauling Service was?

A. No.

Q. Do you know if it was a sole proprietorship, a partnership or a corporation?

A. No.

Q. Did you have any contracts with Hinkle Hauling Service?

A. No.

Q. Do you know the identities of any customers or generators that Hinkle Hauling Service provided service to?

A. No.

Q. Was there ever a time where Hinkle Hauling Service brought any wastes to your landfill which weren't acceptable to you for any reason?

A. Not to my knowledge.

Q. Do you know what happened to Hinkle Hauling Service?

A. No.

Q. Did Hinkle Hauling Service have any municipal generator customers that you know of?

A. Not that I know of.

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Q. The next I want to ask you about is John H. Green, G-R-E-E-N. Is that a familiar name to you, sir?

A. Yes.

Q. What do you recall about John H. Green, sir?

A. Not a whole lot.

Q. Was John H. Green a hauler or a transporter of waste for disposal at your landfill?

A. Yes, I think he had one truck. He was a one-man operator as far as I remember.

Q. Was John H. Green a sole proprietorship to the best of your knowledge?

A. I think he was. I don't know, I'm not sure.

Q. You said he had one truck. Do you recall the capacity of the truck?

A. I think it was one of the smaller rear-loaders, 13 yards or 14 yards, something like that, 15 yard.

Q. When did John H. Green utilize your landfill for the disposal of wastes?

A. Probably most of the time that we were operating the landfill and prior.

Q. So you think he was a customer of

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Mr. Lombardo?

A. Yes.

Q. Did you have any contracts with Green?

A. No.

Q. Did John H. Green ever bring any wastes to your landfill that were unacceptable to you for any reason?

A. No.

Q. Do you know what happened to Green?

A. No.

Q. Do you have any idea who his customers were?

A. No.

Q. Mr. DeMeno, I'm going to ask you about Kratzer Hauling, K-R-A-T-Z-E-R. Is that a familiar name to you, sir?

A. No.

Q. Do you remember anything at all about Kratzer Hauling?

A. No.

Q. Do you recall if they were a hauler of waste for disposal at your landfill?

A. I don't know. I don't remember the company at all.

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2 Q. The next is Laverne, L-A-V-E-R-N-E E.
3 K-E-E-N-E-Y. Is that a familiar name to you, sir?

4 A. No.

5 Q. Do you remember anything at all about
6 Laverne E. Keeney?

7 A. No.

8 Q. Martin Kemp, K-E-M-P, is that a familiar
9 name to you, sir?

10 A. Yes.

11 Q. Who or what is Martin Kemp?

12 A. They were haulers at the landfill.

13 Q. Martin Kemp brought wastes for disposal at
14 your landfill?

15 A. Yes.

16 Q. Do you know if Kemp was a sole
17 proprietorship, a partnership or a corporation?

18 A. I don't know.

19 Q. Do you know the identity of any person who
20 worked for or had an ownership interest in Martin
21 Kemp?

22 A. No.

23 Q. Do you know where the principal office of
24 Martin Kemp was located?

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A. No.

Q. What type of waste did Martin Kemp bring for disposal at your landfill?

A. Municipal waste.

Q. Do you know who the customers of Martin Kemp were?

A. No.

Q. Do you know if Martin Kemp had any municipal generator customers?

A. You mean contracts?

Q. Contracts, or did they haul for municipalities?

A. I don't know if they hauled for municipalities. They hauled municipal trash.

Q. Do you know if Martin Kemp had any industrial generator customers or manufacturing generator customers?

A. Not to my knowledge.

Q. How many trucks did Martin Kemp have?

A. Two.

Q. Do you recall what size they were?

A. Twenty-yard, I think.

Q. Did Martin Kemp have any rolloff service,

1 compactor boxes or rolloff containers?

2 A. Not to my knowledge.

3 Q. Did Martin Kemp at any time attempt to bring
4 wastes to your landfill which were not acceptable
5 to you in any way?

6 A. Not to my knowledge.

7 Q. Do you know what happened to Kemp?

8 A. No.

9 Q. Mike's Disposal Service, M-I-K-E ' S. Is
10 that a familiar name to you, sir?

11 A. Yes.

12 Q. Who or what is Mike's Disposal Service?

13 A. I don't know a whole lot about that company.
14 I know he used to come in once in a great while.

15 Q. Do you know the identity of any owner or
16 principal of Mike's Disposal Service?

17 A. No.

18 Q. Do you know the name or identity of any
19 employee of Mike's Disposal Service?

20 A. No.

21 Q. Mike's Disposal Service brought waste for
22 disposal at your landfill?

23 A. Yes.

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Q. Do you recall what period of time?

A. No.

Q. Do you recall the identity of any customer of Mike's?

A. No.

Q. Did you have any contracts with Mike's?

A. No.

Q. Did Mike's ever attempt to bring any wastes to your landfill that were unacceptable to you for any reason?

A. No.

Q. Do you know what happened to Mike's?

A. No.

Q. Muth, M-U-T-H, Disposal Service, is that a familiar name to you, sir?

A. I heard of it. I don't know a whole lot about it. It was a small operator, they had one truck.

Q. Did Muth Disposal Service bring waste for disposal at the Berks landfill?

A. Yes.

Q. Do you recall what period of time those wastes were brought?

Robert C. DeMeno

ORIGINAL 49
(Red)

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2 A. No.

3 Q. Do you recall the nature of the wastes that
4 they brought?

5 A. It was mostly, it was household, municipal
6 wastes.

7 Q. Do you recall the identity of any customers
8 of Muth?

9 A. No.

10 Q. Did Muth have any industrial or manufacturing
11 generator customers?

12 A. Not to my knowledge.

13 Q. Do you know if Muth provided service to any
14 municipalities?

15 A. Not to my knowledge.

16 Q. Do what happened to Muth?

17 A. No.

18 Q. Do you know if Muth was acquired by any
19 entity?

20 A. I don't know.

21 Q. Is he still in business?

22 A. I don't know.

23 Q. Oscar Daniels and Company, O-S-C-A-R,
24 Daniels, D-A-N-I-E-L-S. Is that a familiar name to

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you, sir?

A. I heard of it. I don't know a lot about it.
I think they were just a machinery company that
dumped their office trash there.

Q. Your customer account summary had the words
Textile Waste in parentheses. Does that refresh
your recollection concerning the identity of Oscar
Daniels or the nature of their business?

A. No. You said textile waste?

Q. Right, in capitals. Capital T, Textile,
capital W, Waste.

A. No, I don't know anything about that.

Q. Did Oscar Daniels bring waste to your
landfill for disposal?

A. I believe they did, yes.

Q. Do you know what type of wastes they brought
to your landfill?

A. The only thing they could have brought there
was municipal waste. They never brought any
textile waste there.

Q. No fabric brought to your landfill for
disposal by Oscar Daniels?

A. Not to my knowledge.

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Q. No thread?

A. Not to my knowledge.

Q. Fabric scraps, rags, anything like that brought by Oscar Daniels and Company?

A. I don't know.

Q. Do you know the identity of any principals or employees of Oscar Daniels and Company?

A. No.

Q. Do you recall what kind of trucks Oscar Daniels utilized?

A. No. I don't really think they came in that much. They may have come in once or twice in the couple years that I was there.

Q. The next is Ray Oswald, sir, O-S-W-A-L-D. Is that a familiar name to you, sir?

A. No.

Q. Do you recall anything about a Ray Oswald?

A. No.

Q. Was Ray Oswald a hauler of municipal waste?

A. I don't know.

Q. Another one of your account entries involves the Reading Parks Department which we really didn't talk about before. Do you recall the Reading Parks

Department as being a customer of your landfill for disposal of waste?

A. Yes.

Q. Do you recall what type of wastes were disposed of by the Reading Parks Department?

A. Normal trash, municipal waste.

Q. Do you know where that trash originated?

A. They had 55-gallon drums placed out through the park, and they used to take those drums and bring them into the landfill and dump them.

Q. Was there any construction or demolition wastes associated with the wastes disposed of at the landfill by the Reading Parks Department?

A. Not to my knowledge.

Q. Do you recall the identity of anybody at the Reading Parks Department with whom you dealt with respect to disposal of waste at your landfill?

A. No.

Q. The next is Reiss Brothers Hauling, R-E-I-S-S. Is that a familiar name to you, sir?

A. How do you spell it?

Q. Reiss, R-E-I-S-S.

A. I think so, yes.

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Q. Did Reiss Brothers bring wastes to your landfill for disposal?

A. Yes.

Q. Do you know any of the principals of Reiss Brothers Hauling?

A. No.

Q. Do you know the identities of any truck drivers, employees or other personnel who were associated with or worked with Reiss Brothers Hauling?

A. No.

Q. What type of wastes did Reiss Brothers Hauling bring for disposal at your landfill?

A. Municipal waste.

Q. Do you happen to know the customers of Reiss Brothers Hauling?

A. No.

Q. Do you know if Reiss Brothers hauled for any municipalities?

A. I don't know.

Q. Do you know if Reiss Brothers hauled for any industrial generator customers or manufacturing generator customers?

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A. I don't know.

Q. Did you have any contracts with Reiss Brothers Hauling?

A. No.

Q. Do you recall how many trucks Reiss Brothers utilized?

A. No.

Q. Do you recall the sizes of any trucks that they used or capacities of trucks that they used?

A. I remember like a 20-yard, that's about it. I don't think they had anything bigger than that.

Q. Did they have or offer any rolloff container or compactor box service?

A. Not to my knowledge.

Q. Did Reiss Brothers Hauling ever bring any wastes to the landfill that were unacceptable to you for any reason?

A. No.

Q. Do you know what happened to Reiss Brothers Hauling?

A. No.

Q. Were they acquired by any entity that you know?

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A. I don't know.

Q. Sunstream Solar, S-O-L-A-R, is that name familiar to you, sir?

A. No.

Q. Do you know anything about Sunstream Solar?

A. No.

Q. Was Sunstream Solar a customer of your landfill?

A. It probably was, but they may have only come in with one load or something like that.

Q. Do you believe that Sunstream Solar brought wastes for disposal to your landfill?

A. If they are on the list, I guess they did.

Q. Do you remember anything at all about Sunstream Solar or its wastes?

A. No.

Q. J. Kenneth Umstead, U-M-S-T-E-A-D, is that a familiar name to you, sir?

A. I heard of it. I don't remember much about it.

Q. Do you know the identity of, well, do you know who or what was J. Kenneth Umstead?

A. No.

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Q. Do you know the identities of any principals or owners of J. Kenneth Umstead?

A. No.

Q. Did J. Kenneth Umstead bring wastes for disposal at your landfill?

A. I imagine he did, yes.

Q. Do you remember anything at all about J. Kenneth Umstead?

A. No.

Q. Warren Linderman, L-I-N-D-E-R-M-A-N, is that a familiar name to you, sir?

A. No.

Q. You don't remember anything about Warren Linderman?

A. No.

Q. William H. Sweitzer & Son, S-W-E-I-T-Z-E-R, Inc. Is that a familiar name to you, sir?

A. I think they were a company that was not too far from the landfill, and they used to bring their office trash there. I think they were right on the same road, on Wheatfield Road.

Q. Was William H. Sweitzer & Son a corporation to the best of your knowledge?

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A. I don't know.

Q. Do you know the nature of their business?

A. I think they sold tractors, farm tractors.

Q. And to the best of your knowledge, they brought office-type trash to your landfill?

A. I think it was cardboard boxes that the tractors came in and office trash, yes.

Q. Do you know if William H. Sweitzer & Son, Inc. had any kind of repair shop in connection with the sale of tractors and other equipment?

A. I don't know.

Q. Did William H. Sweitzer & Son ever dispose of any used oil, oil filters, automotive parts or the like in your landfill?

A. No.

Q. Is William H. Sweitzer & Son still in business to the best of your knowledge?

A. I don't know.

Q. Did William H. Sweitzer & Son ever attempt to bring wastes to your landfill for disposal which were unacceptable to you for any reason?

A. No.

Q. Wolfe Roofing & Sheet Metal, W-O-L-F-E. Is

1
2 that a familiar name to you, sir?

3 A. Yes.

4 Q. Who or what is Wolfe Roofing & Sheet Metal?

5 A. They were a roofing company.

6 Q. Do you know if Wolfe Roofing & Sheet Metal
7 was a sole proprietorship, a partnership or a
8 corporation?

9 A. I don't know.

10 Q. Do you know the identities of any persons
11 who were employees or in any way associated with
12 Wolfe Roofing and Sheet Metal Company?

13 A. No.

14 Q. Did you have any contracts with Wolfe
15 Roofing?

16 A. No.

17 Q. Do you know what type of wastes Wolfe
18 Roofing & Sheet Metal brought to your landfill for
19 disposal?

20 A. Wood, mostly wood.

21 Q. Did Wolfe Roofing & Sheet Metal bring any
22 metal for disposal at your landfill?

23 A. Sometimes.

24 Q. And what happened to any metal that was

1 brought for disposal in your landfill by Wolfe
2 Roofing & Sheet Metal?
3

4 A. The scrap guy would pick it up.

5 Q. So it's your contention that Wolfe Roofing &
6 Sheet Metal did not dispose of metal in your
7 landfill?

8 A. They brought it to the landfill, but we had
9 it hauled out.

10 Q. Were there any other wastes that you know of
11 which were brought for disposal to your landfill by
12 Wolfe Roofing & Sheet Metal?

13 A. No.

14 Q. Did you have a contract with Wolfe Roofing &
15 Sheet Metal?

16 A. No.

17 Q. Did they ever attempt to bring any wastes to
18 your landfill which were unacceptable for any reason?

19 A. Just off the top of my head, I think they
20 brought shingles in one day and we had to turn them
21 away.

22 Q. Why is it that you turned shingles away for
23 disposal?

24 A. As far as DER was concerned, we weren't

allowed to take them.

MS. BARNETT: Do you know if Wolfe had previously disposed of shingles at the landfill? And when I say previously, I mean --

THE WITNESS: In Lombardo's time? I don't know. I think they were a customer of Lombardo, but I don't know what he took from them.

MS. BARNETT: Did Wolfe ever dispose of asbestos at the site while you owned it?

THE WITNESS: No.

BY MR. EMBICK:

Q. Do you know, sir, what kind of trucks Wolfe Roofing & Sheet Metal employed?

A. They had a dump truck.

Q. Is that what they used to bring wastes to the landfill for disposal?

A. Yes.

Q. Do you know what the capacity of the dump truck was?

A. I'd say five to eight yards.

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Q. Do you know where the principal office or business place of Wolfe Roofing & Sheet Metal is?

A. No.

Q. Do you know if they are still in business?

A. I don't know.

Q. Ziegler's Hauling Service, Z-I-E-G-L-E-R 'S.
Is that a familiar name to you, sir?

A. Yes.

Q. Who or what is Ziegler's Hauling Service?

A. A trash hauling firm that dumped at the landfill.

Q. Do you know the identity of any owners, employees or other personnel associated with Ziegler's Hauling Service?

A. No.

Q. Do you know if Ziegler's Hauling Service is a sole proprietorship, a corporation or a partnership?

A. I don't know.

Q. Do you know where their principal place of business is?

A. No.

Q. Do you know who the customers of Ziegler's

Hauling Service were or are?

A. No.

Q. Do you know what geographical area Ziegler's Hauling Service serves?

A. No.

Q. Did you have any contracts with Ziegler's Hauling Service?

A. No.

A. Did Ziegler's Hauling Service ever attempt to bring any wastes to the landfill which were unacceptable to you for any reason?

A. No.

Q. Do you know what type of trucks Ziegler's Hauling Service employed?

A. Rear-loaders.

Q. Do you know what capacity those trucks were?

A. 20, 25 yards.

Q. Do you know if Ziegler's Hauling Service utilized any rolloff containers or compactor boxes in order to provide waste disposal service?

A. Not to my knowledge.

Q. Do you know what happened to Ziegler's?

A. No.

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Q. I notice that on your list of customer accounts there are a number of municipalities. What can you tell me about your municipal customers?

A. What do you want to know? What do you mean by that?

Q. Take the first, which is the Borough of Adamstown. Was that a long-time municipal customer of yours?

A. They came in during the Lombardo time and during my time, yes.

Q. Did they utilize their own trucks?

A. Yes.

Q. Did you have a contract with the Borough of Adamstown?

A. No.

Q. How many trucks did they have?

A. One.

Q. What type of truck was it, sir?

A. I don't remember. I don't know if it was a small packer or a dump truck. I don't remember.

Q. Do you recall the names of any personnel associated with the Borough of Adamstown who had

anything to do with disposal of municipal wastes by the Borough?

A. No.

Q. Could you describe the type of wastes that the Borough of Adamstown disposed of in your landfill?

A. Municipal waste.

Q. Were there any other types of waste disposed of by the Borough of Adamstown?

A. I don't believe so, no.

Q. There are a number of other boroughs and municipalities listed. I see Copley, Kutztown, Northampton, Sinking Spring.

A. Some of them brought in leaves.

Q. What do you remember about the wastes that were brought in by those municipalities, if anything?

A. They just brought in municipal waste. Some of them like Sinking Spring brought in leaves that they collected.

Q. Did the Borough of Sinking Spring bring any other type of wastes into the landfill for disposal?

A. No.

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Q. Did the Borough of Sinking Spring bring any wastes in that were associated with the operation of a wastewater treatment plant?

A. No.

Q. Or a water treatment plant?

A. No.

Q. Did the Borough of Sinking Spring have its own trucks?

A. Yes.

Q. What type of trucks did they employ?

A. Dump trucks.

Q. How often did the Borough of Sinking Spring utilize the landfill for disposal of wastes?

A. Once or twice a year.

Q. Did you have a contract with Sinking Spring?

A. No.

Q. Did you have a purchase order arrangement with Sinking Spring?

A. I don't know, I don't believe we did.

Q. How about the Borough of Northampton, what can you remember about the usage of the Borough of Northampton with respect to disposal of wastes at your landfill, if at all?

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A. I don't remember too much about that.

Q. Did the Borough of Northampton have its own trucks?

A. Yes.

Q. Do you recall what kind of trucks they were?

A. I believe they were dump trucks.

Q. Do you recall what size or capacity?

A. Small five to eight-yard trucks.

Q. Do you recall the nature of the wastes brought in for disposal by the Borough of Northampton?

A. Just municipal trash.

MS. BARNETT: When you say municipal trash, Mr. DeMeno, are you talking about trash generated by residences or something else?

THE WITNESS: Residences or their own office or whatever.

MS. BARNETT: The municipal offices?

THE WITNESS: Yes.

MS. BARNETT: Mr. DeMeno, was the Borough of Kutztown a customer of the landfill?

1 THE WITNESS: I don't know. Are
2 they are on the list? I don't know if they
3 were or not. I don't think they were.

4 MS. BARNETT: Yes, they are on your
5 list.

6 THE WITNESS: Well, then they were.

7 MS. BARNETT: Do you recall
8 anything about the type of wastes that the
9 Borough of Kutztown brought to the landfill?

10 THE WITNESS: Similar to the other
11 townships where they would have 55-gallon
12 drums of trash, tin cans, bottles, stuff
13 like that, paper.

14 MS. BARNETT: Where were the
15 55-gallon drums of trash from? Were they
16 from parks, streets?

17 THE WITNESS: Probably their
18 Streets Department and stuff like that. I
19 really don't know where they got it, but it
20 was normal trash that I would consider
21 normal household trash.

22 MS. BARNETT: Did the Borough of
23 Kutztown haul their own trash to the Berks
24

landfill?

THE WITNESS: Yes.

MS. BARNETT: Do you recall what kind of trucks they brought the trash in?

THE WITNESS: I think most of them had these small five to eight-yard little dump trucks that they would come in with. It wasn't that often, it was maybe -- off the top of my head, I can't -- don't hold me to this -- I think maybe two, three times a year.

MS. BARNETT: Did you have any contracts with the Borough of Kutztown?

THE WITNESS: No.

MS. BARNETT: Do you know whether the Borough of Kutztown picked up material or waste from commercial facilities within the city?

THE WITNESS: I wouldn't think they did, no.

MS. BARNETT: Do you know whether the Borough of Kutztown included wastes from schools?

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2 THE WITNESS: No, I don't believe
3 they did.

4 MS. BARNETT: Do you remember any
5 of the names of the drivers from the Borough?

6 THE WITNESS: No, I didn't really
7 come in contact with drivers that much
8 unless I was at the office that day and I
9 happened to see them. But there was no
10 personal contact with them.

11 MS. BARNETT: Did the Borough of
12 Kutztown include residences as well?

13 THE WITNESS: No, I don't think so.
14 It was from their own offices or their own
15 streets that they had containers like cans
16 sitting at curbs where you are littering.
17 That was what they mostly brought in.

18 MS. BARNETT: Did the Borough of
19 Kutztown bring in any sludge from any
20 wastewater treatment plants?

21 THE WITNESS: No, we didn't accept
22 sludge.

23 MS. BARNETT: Any kind of water
24 treatment plant at all?

THE WITNESS: No.

BY MR. EMBICK:

Q. Sir, do you recall if Robesonia Borough was a customer of the landfill?

A. I think they were, yes.

Q. Did the Robesonia Borough utilize your landfill for the disposal of waste?

A. I believe they did, yes.

Q. Do you recall when the Borough of Robesonia utilized your landfill for the disposal of waste?

A. During Lombardo's time and my time.

Q. Do you recall if Robesonia Borough hauled its own waste?

A. Yes.

Q. Did they have their own trucks?

A. They didn't haul other people's trash. They hauled their own trash from their offices and their streets that they picked up. They didn't bring in household trash from homes.

MS. BARNETT: Did any of the municipalities -- we've gone through a series of municipalities, Mr. DeMeno -- is the same true of each of the municipalities?

1 THE WITNESS: No, there might be
2 some that -- I don't remember which ones --
3 but some that did pick up their own
4 residential homes and bring it there, but I
5 don't know which ones they would be. I
6 would have to look through those slips.

7 MS. BARNETT: Would the slips tell
8 you?

9 THE WITNESS: Well, I could tell by
10 the size of the truck that came in, whether
11 it was an open truck or a closed truck.

12 MS. BARNETT: What size truck would
13 you associate with residential trash?

14 THE WITNESS: That would be
15 anywhere from 15 to 25, 32-yard rear-loader
16 trucks.

17 MS. BARNETT: Open or closed?

18 THE WITNESS: Closed.

19 MS. BARNETT: What would you
20 associate with borough or municipal cleanup
21 of its own material?

22 THE WITNESS: Five-yard dump truck.

23 MS. BARNETT: Is that an open or
24

a closed truck?

THE WITNESS: Open.

MS. BARNETT: Let me go back just for a moment to the Borough of Kutztown. Do you recall any vehicle maintenance waste coming from the Borough of Kutztown?

THE WITNESS: No.

MS. BARNETT: Any waste oil?

THE WITNESS: No.

MS. BARNETT: Cleanups, spring and fall cleanups, did any of that type of material come in from the Borough of Kutztown?

THE WITNESS: Just normal trash that they would bring in. I don't know if it was cleanup or not. I wouldn't know that.

MS. BARNETT: Is it your experience, Mr. DeMeno, that some of the smaller municipalities in the spring and fall will go and collect trash from their residences even if they don't service residences otherwise?

THE WITNESS: That's what I say.

Off the top of my head, I don't remember which -- there were some that brought in bulk material like washing machines or refrigerators or whatever, like that, but not that much. It might have been once a year and that was it. Maybe three or four on the truck they would bring in. Maybe somebody threw a tire on the side of the road or a fence would break or something like that. They would pick that up and bring that in.

MS. BARNETT: When the 55-gallon drums of trash would come into the landfill from the municipalities as you described, would you just bury the trash and the drum together?

THE WITNESS: No, they took the drum back with them. Then if one was bad and they wanted to get rid of it, we would have the scrap guy pick it up.

MR. EMBICK: Can we go off the record for a second.

(Discussion off the record.)

(There was a recess from 1:55 p.m.

until 2:15 p.m.)

BY MR. EMBICK:

Q. I've given you, Mr. DeMeno, the document that's been marked for identification as DM 2 which is your customer account review. And I'd like you to turn to page DM 000048. Do you have that one, sir?

A. Yes.

Q. Would you examine that page for me, please.

A. (Witness complied.) Okay.

Q. After examining that page, sir, are you able to tell anything about the nature of the wastes that the Borough of Adamstown brought to the landfill for disposal?

A. Only that they came in on a dump truck.

Q. Are you able to tell whether the Borough of Adamstown brought wastes from residences to the landfill for disposal?

A. No.

Q. Would you turn to page DM 000050.

A. (Witness complied.)

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Q. And that is the customer account review for the Borough of Copley?

A. Yes.

Q. Would you examine that page for me, sir.

A. (Witness complied.) All right.

Q. Can you tell whether or not by examining that page the Borough of Copley brought wastes from residences for disposal at your landfill?

A. I don't see where they dumped anything at that period.

Q. So you are unable to tell by examining that page what the nature of wastes brought by the --

A. There was nothing dumped.

Q. Could you turn to page DM 000054.

A. (Witness complied.)

Q. And that's the customer account review page for the Borough of Northampton. Would you examine that page for me, sir?

A. (Witness complied.) Right.

Q. By examining that page, are you able to tell me anything about the nature of wastes brought to the landfill for disposal by the Borough of Northampton?

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A. Not really, no.

Q. Are you able to determine by examining this page whether wastes from residences within the borough were brought to the landfill for disposal?

A. No.

Q. Can you turn to page DM 000056 for me, please.

A. (Witness complied.)

Q. Could you examine that page for me, sir.

A. Okay.

Q. I'll represent that this page is the customer account review for the Borough of Sinking Spring. By examining this page, sir, are you able to tell me anything about the nature of wastes that were brought by the Borough of Sinking Spring for disposal at your landfill?

A. No.

MS. BARNETT: Mr. DeMeno, may I ask you to turn to page 000051 in your customer account previously marked as DeMeno 2. This is the entry for the Borough of Kutztown. Do you see that, sir?

THE WITNESS: Yes.

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2 MS. BARNETT: Looking at this, can
3 you tell me anything about the nature of the
4 wastes disposed of by the Borough of Kutztown?

5 THE WITNESS: No.

6 MS. BARNETT: Nothing on this
7 allows you to determine whether it was
8 residential waste versus waste from the
9 borough itself?

10 THE WITNESS: Only that, you know,
11 dump truck.

12 MS. BARNETT: How about the size of
13 the truck, sir, does that tell you anything?

14 THE WITNESS: That it was a
15 12-yard. Wait a minute.

16 MS. BARNETT: For example, one of
17 the entries at the bottom of DM 000051, the
18 last entry on the page, is 121.5 tons at
19 \$28.00 a ton. Was that residential waste or
20 waste generated from the Borough, if you can
21 tell?

22 THE WITNESS: That was probably a
23 total of so many loads. This is mostly for
24 billing.

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MS. BARNETT: If you look on the --

THE WITNESS: One truck wouldn't be able to hold 121 tons.

MS. BARNETT: Even though the quantity says one?

THE WITNESS: I don't know what that would be.

MS. BARNETT: Looking at the next page that's DM 000052, many of the transactions are in tons; in fact, most of them are. Can you tell anything about the nature of the waste from the tonnage reflected?

THE WITNESS: No.

MS. BARNETT: Mr. DeMeno, if under the quantity column it says one, would that reflect one dump or more than one dump?

THE WITNESS: I don't know what that reflects, I don't really know.

MS. BARNETT: Because there are some entries that have one and some entries that have, for example, 500 under the quantity.

1 THE WITNESS: I see that. I don't
2 know what that means.
3

4 MS. BARNETT: Anything else that
5 you can tell about the type of transactions
6 or nature of the material from these entries?

7 THE WITNESS: No.

8 MS. BARNETT: Mr. DeMeno, while
9 we're looking at this, I think when we last
10 spoke, you had mentioned that documents, if
11 they exist, relating to the computer
12 program, would be in the crawl space that we
13 became fond of talking about.

14 THE WITNESS: Documents of what?

15 MS. BARNETT: Anything relating to
16 the computer program that you utilized to
17 create this billing form.

18 THE WITNESS: Yes.

19 MS. BARNETT: Am I correct that you
20 said that if you had any of that stuff, it
21 would be in the crawl space?

22 THE WITNESS: I don't know if I do.
23 I'd have to check and see. What would it
24 consist of?

MS. BARNETT: It could be a tape or some disks relating to the computer program. It depends on the age of the computer.

THE WITNESS: I don't know.

MS. BARNETT: And I take it from your answers, Mr. DeMeno, that since the first part of your deposition a few weeks ago, you haven't looked at the crawl space to see what you have up there?

THE WITNESS: No. Plus everything that I would have, you already do have as far as everything that you got from Cohen, Shapiro.

MS. BARNETT: Mr. DeMeno, if I saw a reference on a weigh ticket or an invoice to museum load, do you know what that means?

THE WITNESS: A what?

MS. BARNETT: Museum load.

THE WITNESS: No.

MS. BARNETT: How about cafe load?

THE WITNESS: No. Where was that at?

MS. BARNETT: It was on one of the

1 dump tickets, not ones here but some dump
2 tickets that I had previously received from
3 Janet Cole a while ago, and I saw a
4 reference to museum load. I couldn't tell
5 if it was from a museum or not.

6 THE WITNESS: No, nothing that I
7 know of.

8 MS. BARNETT: Thank you, sir.

9 BY MR. EMBICK:

10 Q. Mr. DeMeno, are you familiar with
11 Wommelsdorf Borough, W-O-M-M-E-L-S-D-O-R-F?

12 A. I know of them.

13 Q. Was Wommelsdorf Borough a customer of your
14 landfill?

15 A. I believe they were.

16 Q. Did Wommelsdorf Borough bring solid wastes
17 for disposal at your landfill?

18 A. I don't know what they brought. I don't
19 remember what they brought.

20 Q. Do you remember anything at all about any
21 wastes which Wommelsdorf Borough brought for
22 disposal at your landfill?

23 A. No.

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Q. Were they a customer of your landfill, sir?

A. I think they were, yes.

Q. Sir, how about Whitehall Township,
W-H-I-T-E-H-A-L-L, was Whitehall Township a
customer of your landfill?

A. I believe they were, yes.

Q. Did Whitehall Township bring wastes and
dispose of them in your landfill?

A. I believe they did, yes.

Q. Do you recall anything about the type of
wastes that Whitehall Township brought for disposal
in your landfill?

A. It would have had to have been municipal
waste. That's only what we allowed to go in there.

Q. Was it municipal wastes generated by
municipal facilities?

A. I don't know.

Q. Was it waste generated by residences within
the township?

A. I don't know.

Q. Did Whitehall Township operate its own
trucks?

A. I believe they did, yes.

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Q. What do you recall about those vehicles?

A. I don't recall anything about them.

Q. Do you recall if they had any particular size or capacity?

A. No.

Q. How about Wommelsdorf Borough, do you remember anything about the size or capacity of their trucks?

A. No, only that they came in sometimes with dump trucks. I don't remember if they had their own compactor truck or they picked up their residences in the borough.

Q. Do you remember any other municipalities which used your landfill for the disposal of waste other than the ones that we mentioned?

A. Just the ones that are on the list.

Q. There are no others that you recall at this time?

A. No.

Q. What do you recall about a company named Lukens, L-U-K-E-N-S?

A. I don't know anything about it.

Q. That is not a familiar name to you?

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A. No.

Q. Was Lukens a customer of your landfill?

A. They may have been, but I don't remember them.

Q. How about the name of Santangelo, S-A-N-T-A-N-G-E-L-O, is that a familiar name to you, sir?

A. Yes.

Q. What can you tell me about Santangelo?

A. Only that he brought in trash to the landfill.

Q. Was Santangelo a transporter of wastes for disposal at your landfill?

A. Yes.

Q. Was Santangelo a sole proprietorship, a partnership or a corporation?

A. I don't know.

Q. Do you know who the owner or operator of Santangelo was?

A. I know the son, but I don't know if he owned it or not. I don't know if it was owned by the father or mother, but I knew of the son.

Q. What was the son's name, sir?

A. I don't know.

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Q. Do you recall any nickname that Santangelo went by?

A. I did know it, but I don't remember it.

Q. Do you recall the identities of any employees or other persons associated with Santangelo?

A. No.

Q. Do you know what kind of trucks Santangelo used, if any?

A. He had a rear-loader and front-loader.

Q. And do you recall the capacities of those trucks?

A. I think the rear-loaders were 20-yard and the front-loaders were probably 30-yard.

Q. Do you know if Santangelo offered any compactor box or rolloff container service to its customers?

A. I don't know.

Q. Did you have any contracts with Santangelo?

A. No.

Q. Did Santangelo ever bring any wastes to the landfill which were unacceptable to you for any reason?

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A. No.

Q. Do you know what happened to Santangelo?

A. I believe he's still in business, but I don't know.

Q. Do you know if Santangelo was acquired by any entity or company in the solid waste business?

A. I don't know.

Q. Do you know where Santangelo's place of business is?

A. I believe it's in Norristown.

Q. Do you remember anything about customers of Santangelo?

A. No.

Q. In your boxes of dump tickets, there was an entity that was identified by the initials capital P, capital U. Is that a familiar name to you or abbreviation for a customer of yours?

A. On what slips?

Q. On dump tickets that were contained in some of these boxes, capital P, capital U.

A. Pickup truck.

Q. So P.U. isn't a designation for a particular customer?

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A. No.

Q. How or why would you use the designation
P.U. on a dump ticket?

A. I don't know, just to identify that it was a
pickup truck.

Q. So that might be a method by which you
simply identified that a load of waste was taken in
at the landfill?

A. The pickup load.

Q. But that designation wouldn't relate to any
particular customer?

A. No.

Q. Was the use of the designation P.U. a common
one as far as you were concerned at the landfill?

A. I believe they used it, yes. I think that's
what they used all the way through. When a pickup
load came in, they put P.U. there.

Q. Would P.U. refer to the pickup truck?

A. Yes.

Q. Which would be on average what size?

A. Pickup is what, four feet wide by eight feet
long.

Q. How about a company known as Mountz,

M-O-U-N-T-Z. Is that a familiar name to you, sir?

A. I understood it as Mounts.

Q. Who or what were Mountz?

A. They were haulers.

Q. Do you know anything about Mountz?

A. No.

Q. Do you know who their customers were?

A. No.

Q. Is it true that Mountz brought wastes and disposed of them at your landfill?

A. Yes.

Q. Do you know what period of time that occurred?

A. No.

Q. Do you know anything about Mountz's customers?

A. No.

Q. Do you know the identities of any persons or employees who were affiliated with or related to Mountz?

A. No.

Q. Did Mountz ever attempt to bring wastes to your landfill that were not acceptable to you?

A. Not to my knowledge, no.

Q. Is Mountz a transporter of waste?

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A. Yes.

Q. Do you know what happened to Mountz?

A. No.

Q. How about the name of Gensemer,
G-E-N-S-E-M-E-R?

A. Yes.

Q. Is that a familiar name to you, sir?

A. Yes.

Q. Who or what is Gensemer?

A. They are a hauling firm.

Q. Gensemer was a transporter of wastes which
were brought to dispose of at your landfill?

A. Yes.

Q. Do you know whether Gensemer was a sole
proprietorship, a partnership or a corporation?

A. I don't know.

Q. Do you know the identities of any persons or
employees who were affiliated or associated with
Gensemer?

A. No.

Q. Do you know the names of any truck drivers?

A. No.

Q. Do you recall if Gensemer used any trucks

1
2 for transportation of wastes to be disposed of at
3 your landfill?

4 A. If they used any trucks? Yes, they used
5 trucks.

6 Q. What size trucks?

7 A. I don't remember what size they had.

8 Q. Did Gensemer have any rollofs or compactor
9 boxes that they used?

10 A. Not that I remember, no.

11 Q. Did you have any contracts with Gensemer?

12 A. No.

13 Q. Do you know who Gensemer's customers were?

14 A. No.

15 Q. Do you know if Gensemer served any
16 municipalities?

17 A. I don't know.

18 Q. Do you know if Gensemer transported any
19 wastes to the landfill from industrial generator
20 customers or manufacturing generator customers?

21 A. Not to my knowledge.

22 Q. Do you know what happened to Gensemer?

23 A. No.

24 Q. Is Gensemer still in business?

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A. I don't know.

Q. Did we talk about Green before?

A. Yes.

Q. Yes, John H. Green. We did.

A. Yes.

Q. How about Nepples, N-E-P-P-L-E-S. Is that a familiar name to you, sir?

A. Yes.

Q. Who or what is Nepples?

A. They are a transporter of trash.

Q. Nepples brought wastes and disposed of wastes in your landfill?

A. Yes.

Q. Do you know the identities of any persons, owners or any other persons affiliated in any way with Nepples?

A. No.

Q. Did you have any contracts with Nepples?

A. No.

Q. Do you recall who the customers of Nepples were?

A. No.

Q. Do you know if Nepples served any

1 municipalities?

2 A. I don't know.

3 Q. Do you know if Nepples served any industrial
4 or manufacturing generator customers?

5 A. I don't know.

6 Q. Are you aware of the identities of any truck
7 drivers who worked for or were associated or
8 affiliated with Nepples?

9 A. No.

10 Q. Did Nepples ever attempt to bring any items
11 or waste to your landfill which were unacceptable
12 to you for any reason?

13 A. No.

14 Q. Do you know what happened to Nepples?

15 A. No.

16 Q. Do you know what geographical area Nepples
17 provided service to?

18 A. No.

19 Q. The next name is Kemp's Sanitation. We
20 talked before about a Mr. Kemp; is that correct?

21 A. I think we did talk about Kemp's, yes.

22 Q. Is Mr. Kemp and Kemp's Sanitation one and
23 the same?
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A. As far as I know they were, yes.

Q. In your dump tickets there is also reference to a Keith Kemp, a Gerald Kemp, a Cleon Kemp and a Martin Kemp.

A. You mean they signed the slips, is that what you are talking about?

Q. Yes.

A. They are probably their sons or somebody who worked for them.

Q. To the best of your knowledge, all of the references to Kemp's are one general business?

A. I believe it was, yes.

Q. Do you know if Kemp's was a sole proprietorship?

A. I don't know.

Q. Do you know if they were a corporation?

A. No.

Q. There's also a B. Kemp referenced.

A. Right.

Q. To the best of your knowledge, is that a Kemp affiliated with the other Kemps?

A. I don't know. I remember the name, but I don't remember if there were two of them in the

business or they were all in the same business or what.

Q. Do you remember any customers who were served by any of the Kemp persons I mentioned or entities?

A. No.

Q. Does the name Yelk, Y-E-L-K, seem familiar to you?

A. No, not really.

Q. Was Yelk a transporter to the best of your knowledge?

A. I don't know.

Q. You don't remember anything about Yelk?

A. No.

Q. How about Burkey, B-U-R-K-E-Y, is that a familiar name to you, sir?

A. No.

Q. Do you remember anything about a Burkey?

A. No.

Q. Does the name Bittings mean anything to you, B-I-T-T-I-N-G-S?

A. No.

Q. Was Bittings a transporter of waste?

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A. I have no idea, I don't remember the name.

Q. You don't remember anything about Bittings?

A. No.

Q. How about the name or entity Shul, S-H-U-L,
is that a familiar name to you, sir?

A. No. Where did you get these names from?

Q. Dump tickets.

A. They may have been one-time dumpers or
something like that. They came in one time or
twice. I don't remember them.

Q. You don't remember anything about Shul?

A. No.

Q. Does the name capital V. Fair, F-A-I-R,
Corporation mean anything to you?

A. No.

Q. Could that refer to Vanity Fair Corporation?

A. No, Vanity Fair never came into the landfill.

Q. You don't remember anything about V. Fair
Company?

A. No.

Q. How about?

A. Excuse me one minute. Some of those could
have been neighbors that came in once, and I just

1 don't remember names. Because they were allowed to
2 dump their household trash if they didn't have a
3 trash man. They'd bring it in themselves.
4

5 Q. How would you be able to tell that that was
6 the case with respect to any particular name that
7 I've mentioned?

8 A. I couldn't at this point.

9 Q. How about the name Mac, M-A-C, is that a
10 family name to you, sir?

11 A. No.

12 Q. You don't remember anything about Mac?

13 A. No.

14 Q. How about the name John Leone, L-E-O-N-E?
15 Is that a familiar name to you?

16 A. I think he was a neighbor as far as I know.

17 Q. To the best of your recollection, John Leone
18 was a neighbor of the landfill?

19 A. I'm not sure, I think he was.

20 Q. Do you remember anything of significance
21 about John Leone?

22 A. No.

23 Q. How about the name Sadlowski,
24 S-A-D-L-O-W-S-K-I, is that a familiar name to you,

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sir?

A. No.

Q. Do you know or remember anything about
Sadlowski?

A. No.

Q. Was Sadlowski a transporter of municipal
wastes?

A. I don't believe he was, no.

Q. How about the name Zeltzer, Z-E-L-T-Z-E-R,
is that name familiar to you, sir?

A. No.

Q. Do you recall anything about a person or
entity named Zeltzer?

A. No.

Q. How about the name Catterbone,
C-A-T-T-E-R-B-O-N-E, is that a familiar name to
you, sir?

A. No.

Q. Was Catterbone a transporter of wastes?

A. I don't know.

Q. Do you know if Catterbone disposed of any
wastes in your landfill?

A. If he was on that slip, he did, yes.

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Q. But you don't remember him?

A. I don't remember.

Q. Kevin Gzkia, G-Z-K-I-A. I may not have pronounced that properly. Is that a familiar name to you?

A. No.

Q. Do you remember anything about Kevin Gzkia with reference to disposal of waste in your landfill?

A. No.

Q. How about the name Rosella, R-O-S-E-L-L-A?

A. I think that was a neighbor.

Q. To the best of your recollection, Rosella was a neighbor to the landfill?

A. Yes.

Q. Do you recall if Rosella disposed of any wastes in your landfill?

A. They used to bring their own household trash to the landfill, a couple bags at a times or whatever.

Q. How about the name Adams, A-D-A-M-S, sir, is that a familiar name to you?

A. I believe he was a neighbor, also.

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Q. To the best of your recollection, Adams disposed of waste in your landfill?

A. Yes.

Q. Do you recall what the nature of the wastes disposed of in the landfill by Adams were?

A. No.

Q. How about the name Cramp, C-R-A-M-P, is that a familiar name to you, sir?

A. No.

Q. Do you recall anything about Cramp with respect to disposal of wastes in your landfill?

A. No.

Q. How about the name F & M, capital F and capital M Hat Company, F & M Hat Company. Do you recall anything about the F & M Hat Company?

A. No, I don't.

Q. To the best of your recollection, you recall nothing about F & M Hat Company?

A. No.

Q. How about the name Lepage, L-E-P-A-G-E, one word, Lepage. Is that a familiar name to you, sir?

A. I've heard of it, but I don't know if he was a hauler or he wasn't.

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2 Q. Do you have any recollection of Lepage with
3 respect to the disposal of wastes in your landfill?

4 A. I believe he did dump there, but I don't
5 remember if he was a trash hauler or he was a
6 neighbor or what it was. Do you have the slips?

7 Q. The slips are in the --

8 A. You didn't take them out? I would say 90
9 percent of those were probably neighbors that
10 didn't have trash collectors and brought a couple
11 bags of trash in at a time.

12 MS. BARNETT: Mr. DeMeno, would you
13 be able to tell from the slips assuming that
14 we pull out a slip and look at it, how would
15 you know from looking at a slip that it was
16 a neighbor? What would tell you that?

17 THE WITNESS: Well, there probably
18 would be a small charge. It wouldn't be --
19 you know, it would be maybe a \$5.00 or
20 \$10.00 charge compared to a larger truck

21 MS. BARNETT: If, on the other
22 hand, the slip said something from eight yards
23 and up, could we assume from that that it
24 was not a neighbor but rather a hauler?

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2 THE WITNESS: Like I said, I'd have
3 to see the slip. I really couldn't tell
4 you.

5 MS. BARNETT: I'm just trying to
6 get to the lay of the land, so we don't sit
7 and pull out --

8 THE WITNESS: See, if these were
9 neighbors, they only came in once in a great
10 while and brought in bags of leaves or
11 they'd bring in bags of trash, you know.
12 And I don't know even know if we charged
13 some of them. We may have not even charged
14 them. I think we let some of them dump
15 their household trash because they were
16 neighbors.

17 MS. BARNETT: But if it was a
18 larger charge or a larger truck --

19 THE WITNESS: Well, then it may
20 have been a dump truck or something like
21 that, a small dump truck.

22 MR. EMBICK: Off the record.

23 (Discussion off the record.)

24 BY MR. EMBICK:

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Q. Sir, how about the name Warner Lambert, W-A-R-N-E-R, Lambert, L-A-M-B-E-R-T, does that name sound family to you, sir

A. No.

Q. Do you have any recollection with respect to Warner Lambert and the disposal of waste at your landfill?

A. No.

Q. Do you recall Warner Lambert as being a customer of the landfill?

A. No.

Q. How about the name Moyer, M-O-Y-E-R Packing, is that a familiar name to you?

A. Yes.

Q. Was Moyer Packing a customer of your landfill?

A. No, it was a customer of mine from Globe.

Q. Did Moyer Packing through Globe Industrial dispose of wastes at the landfill?

A. Yes, they brought up two loads of feed that they gave to their cows or steer, and the reason I took it was there was wheat and barley, I think, that we used that we spread on top of the closed

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2 part of the landfill. And we grew oats, wheat, all
3 different kinds of seed that they couldn't feed to
4 the cows and we took. There was only two loads of
5 it. And he told me what it was and I said maybe we
6 could use it to grow some grass there, and it did
7 grow.

8 Q. Who at Moyer Packing did you make
9 arrangements with for the disposal of the material
10 that you described in your landfill?

11 A. I can't remember his first name. His name
12 was Moyer, but I don't remember what his first name
13 was.

14 Q. And you said Globe Industrial hauled the
15 waste that you just described for Moyer Packing?

16 A. No, they brought that up on their own truck,
17 a dump truck I think it was.

18 Q. Did Globe Industrial provide solid waste
19 transportation and hauling services for Moyer
20 Packing?

21 A. Yes.

22 Q. Where did wastes generated by Moyer Packing
23 go for disposal, if you know?

24 A. Some of it went to Plymouth transfer and

some of it went to Berks landfill.

Q. Did any wastes generated by Moyer Packing other than what you mentioned, two loads involving some sort of seed, come to be disposed of in the Berks landfill?

A. Repeat that again.

Q. Sorry. Did any other wastes generated by Moyer Packing other than the materials that you mentioned, the two loads of seed material, come to be disposed of in Berks landfill?

A. Yes.

Q. And what types of waste were they?

A. They were office trash, bags, feed bags, stuff like that.

Q. Were any food processing wastes generated by Moyer Packing disposed of at Berks landfill?

A. No.

Q. Were any other types of wastes that you can recall disposed of by Moyer Packing at the landfill?

A. No, just regular office trash and paper bags, cardboard, stuff like that.

Q. Do you recall who you dealt with at Moyer

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Packing with respect to disposal of wastes at Berks landfill?

A. His name was Moyer, but I don't know his first name.

Q. Was there ever an occasion when Moyer Packing attempted to dispose of the wastes in Berks landfill that were not acceptable to you for any reason?

A. No.

Q. Do you recall when Moyer Packing utilized Berks landfill for disposal of waste?

A. It was only two loads that they brought up on their own.

Q. And the other loads were brought to Globe Industrial?

A. If they went there, yes.

Q. And, as you testified before, they either could have gone to the Plymouth transfer station or they could have been hauled directly by Globe Industrial?

A. Right.

Q. Do you recall what quantity of this seed material was brought to the landfill?

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A. It was about a total of 40 yards. Yes, probably about 20 yards on each load.

Q. What type of vehicle did Moyer Packing use to transport this material for disposal at the landfill?

A. A dump truck.

Q. Do you know what size it was?

A. I think it was a tri-axle dump truck.

Q. How about the name Luppold Roofing, L-U-P-P-O-L-D, is that a familiar name to you, sir?

A. No.

Q. Can you recall anything about Luppold Roofing with respect to disposal of waste at your landfill?

A. No.

Q. The next name is Allied Chemical. Is that a familiar name to you, sir?

A. No.

Q. Do you recall anything about Allied Chemical with respect to disposal of wastes at your landfill?

A. No.

Q. Armstrong, A-R-M-S-T-R-O-N-G, is that a familiar name to you, sir?

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A. No.

Q. Do you recall anything about Armstrong with respect to disposal of waste at your landfill?

A. No.

Q. Are you familiar with Armstrong Flooring?

A. Yes.

Q. Were they a customer of your landfill at any time?

A. Not while I was there, no.

Q. Do you know if Armstrong Flooring was a customer of the landfill before you purchased the landfill?

A. I don't know.

Q. Did you ever hear that Armstrong disposed of waste in the landfill?

A. I don't know.

Q. What about the name Eastern Machine, is that a familiar name to you, sir?

A. No.

Q. Can you recall anything about the name Eastern Machine with respect to disposal of waste in your landfill?

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Q. How about the name Fleetwood Hide Tannery,
F-L-E-E-T-W-O-O-D. Is that a familiar name to you,
sir?

A. No.

Q. Can you remember anything with respect to a
company known as Fleetwood Hide Tannery with
respect to disposal of waste in the landfill?

A. No.

Q. How about the name Reading Hide Tannery,
R-E-A-D-I-N-G? Is that a familiar name to you, sir?

A. No.

Q. Can you recall anything with respect to a
company named Reading Hide Tannery with respect to
disposal of waste in your landfill?

A. No.

Q. How about the name Malco, M-A-L-C-O? Is
that a familiar name to you, sir?

A. No.

Q. Can you recall anything with respect to a
name or an entity known as Malco with respect to
disposal of waste at your landfill?

A. No.

Q. How about the name Laurel Recycling,

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L-A-U-R-E-L, Recycling. Is that a familiar name to you, sir?

A. No.

Q. Do you recall if Laurel Recycling was a transporter of solid waste?

A. I never dealt with them that I know of.

Q. How about the name Reading, R-E-A-D-I-N-G, Grey, G-R-E-Y, Iron? Is that a familiar name to you, sir?

A. No.

Q. Do you recall anything with respect to Reading Grey Iron concerning wastes that were disposed of in your landfill or may have been disposed of in your landfill?

A. No.

Q. How about Reading Laundry, is that a familiar name to you, sir?

A. No.

Q. How about the name David Boyd, B-O-Y-D? Is that a familiar name to you, sir?

A. No.

Q. How about the name Norman's, N-O-R-M-A-N-'-S. Is that a familiar name to you,

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sir?

A. No.

Q. You can recall nothing with respect to Norman's and the disposal of waste at your landfill?

A. No.

Q. How about the name Catgoro's, C-A-T-G-O-R-O-'-S, Catgoro's and Sons. Is that a familiar name to you?

A. No.

Q. Can you recall anything with respect to Catgoro's and Sons concerning disposal of waste in your landfill.

A. No.

Q. How about the name Birch, B-I-R-C-H, Birch Craft Kitchens and/or Cabinets. Is that a familiar name to you, sir?

A. No.

Q. Can you recall anything with respect to Birch Craft Kitchens and disposal of waste at your landfill?

A. No.

Q. How about the name Reading Corrugated Can

1
2 Company, is that a familiar name to you, sir?

3 A. No.

4 Q. We're really digging now.

5 A. Where the heck did you find those names? I
6 never heard of them.

7 Q. How about the name Allied Signal,
8 A-L-L-I-E-D S-I-G-N-A-L? Is that a familiar name
9 to you?

10 A. No.

11 Q. In any respect concerning the landfill?

12 A. No.

13 Q. How about AT&T, is that a familiar name to
14 you, sir?

15 A. No.

16 Q. How about the name Construction Fastener, is
17 that a familiar name to you, sir?

18 A. No.

19 Q. Wyomissing Corporation, is that a familiar
20 name to you, sir?

21 A. No.

22 Q. How about Sensing, S-E-N-S-I-N-G, is that a
23 familiar name to you?

24 A. No.

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Q. How about the name Electro Space Fabricators,
E-L-E-C-T-R-O, Electro Space Fabricators?

A. No.

Q. How about the name Georgia Pacific?

A. No.

Q. Can you recall anything with respect to
Georgia Pacific and disposal of wastes in your
landfill?

A. No.

Q. How about the name Heyco, H-E-Y-C-O, is that
a familiar name to you, sir?

A. No.

Q. How about the name Metropolitan Edison, is
that a familiar name to you, sir?

A. No.

Q. In any respect?

A. I've heard of it, but not with regard to the
landfill.

Q. To the best of your knowledge, Metropolitan
Edison was not a customer of your landfill for the
disposal of waste?

A. Not at the time I was there, no.

Q. How about Misco Products, M-I-S-C-O?

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A. No.

Q. How about the name Graterford,
G-R-A-T-E-R-F-O-R-D?

A. Graterford Prison?

Q. I just have the name Graterford.

A. No.

Q. Do you recall anything with respect to
disposal of wastes at your landfill concerning an
entity or a person named Graterford Prison?

A. I know of Graterford Prison.

Q. Did they ever at any time dispose of wastes
at your landfill to your knowledge?

A. I hauled for Graterford Prison.

Q. You hauled? Graterford Prison was a
customer of the landfill?

A. No, a customer of Globe's.

Q. Globe Industrial hauled wastes for
Graterford Prison?

A. Yes.

Q. To the landfill for disposal?

A. Yes.

Q. Do you recall when wastes from Graterford
Prison were hauled to the landfill for disposal?

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A. It was a contract that came up each year. We bid on it and if we had got it, I don't know if we had it in '84 or '85 or '86, I don't remember.

Q. Do you recall who let the contract for Graterford Prison?

A. What do you mean who let it?

Q. What entity gave you the contracts or the purchase order?

A. The State of Pennsylvania.

Q. Was it the Department of Corrections?

A. Yes.

Q. What type of wastes were generated by Graterford and taken by Globe Industrial to the landfill for disposal, if any?

A. Normal trash. We had front-load containers that we dumped in there, boxes of empty cans. I don't know all of what was in there, but just regular trash that they got out of the prison from the prisoners and their offices.

Q. Were there any other wastes generated by Graterford Prison which Globe Industrial hauled to the landfill for disposal, if any?

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Q. Do you recall what years you obtained the contracts for Graterford Prison?

A. We had it off and on. We had it one year and we'd lose it to another. You know, it could go one way or the other. One time we would have it and one year we wouldn't have it.

Q. Do you know if wastes from Graterford Prison were taken to your landfill for disposal in years when you did not, you, Globe Industrial, did not have the contract?

A. I don't think so.

Q. How about Schlegel's Electric, is that a familiar name to you, sir?

A. No.

Q. How about the name South Mountain Offset, Incorporated, is that a familiar name to you, sir?

A. No.

Q. Sir, how about the name ATO Chemical, is that a familiar name to you, sir?

A. No.

Q. Do you know ATO Chemical to be a customer of George Gensemer?

A. Who?

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Q. George Gensemer.

A. Not to my knowledge. I don't know.

Q. Do you know if any wastes from ATO Chemical were disposed of in your landfill?

A. Not to my knowledge, no.

Q. How about the name Crompton & Knowles, C-R-O-M-P-T-O-N & K-N-O-W-L-E-S?

A. No.

Q. Do you know if Crompton & Knowles ever disposed of any wastes in Berks landfill?

A. No.

Q. Do you know Crompton & Knowles to be a customer of George Gensemer?

A. No, I don't.

Q. How about the name Excelsior Brass, E-X-C-E-L-S-I-O-R, is that a familiar name to you?

A. No.

Q. Do you know if any wastes generated by Excelsior Brass were disposed of in the Berks landfill?

A. Not to my knowledge, no.

Q. Were you aware if Excelsior was a customer of George Gensemer?

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A. I don't know.

Q. How about the name Rub, R-U-B, Rub or Hub
Fabrication?

MS. BARNETT: Hub.

Q. Hub, thank you.

A. No.

Q. Is that a familiar name to you, sir?

A. No.

Q. Do you know if any wastes generated by Hub
Fabrication were disposed of in the Berks landfill?

A. Not to my knowledge.

Q. Were you aware if Hub Fabrication was a
customer of George Gensemer?

A. Was I aware? No

MS. BARNETT: Mr. DeMeno, as we are
going through these questions, is it fair to
say you don't know whether or not any of
these companies were customers of George
Gensemer? I just want the record to be clear.

THE WITNESS No, I wouldn't know.
I'm not saying that he didn't haul them, but
I don't think he hauled them into our
landfill, because he only came in with

municipal trash that I know of. He may have taken it to Western Berks landfill.

BY MR. EMBICK:

Q. I'm sorry if it wasn't clear. I took your answer to mean you did not know if these companies were or were not customers of Gensemer.

A. No, I don't know.

Q. How about the name Rachel Motors, R-A-C-H-E-L? Is that a familiar name to you, sir?

A. No.

Q. Do you know if any wastes generated by Rachel Motors were disposed of in Berks landfill?

A. Not to my knowledge.

Q. Do you have any knowledge that Rachel Motors was a customer of George Gensemer?

A. No.

Q. Sir, how about the name A. J. Enterprises, is that a familiar name to you, sir?

A. No.

Q. How about the name Alcoa, A-L-C-O-A?

A. I've heard of them.

Q. Do you have any knowledge with respect to disposal of wastes from Alcoa in Berks landfill?

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A. No.

Q. How about the name Aluminum Alloys, is that a familiar name to you, sir?

A. No.

Q. How about the name A-Treat, A - T-R-E-A-T, Beverages, is that a familiar name to you, sir?

A. No.

Q. Bachman Pretzels, B-A-C-H-M-A-N, is that a familiar name to you, sir?

A. I've heard of it.

Q. Do you have any knowledge with respect to disposal of wastes by Bachman Pretzels in the landfill, if any?

A. No.

Q. How about the name Berk Tech, B-E-R-K, capital T-E-C-H? Is that a familiar name to you, sir?

A. No.

Q. Berkshire Color, B-E-R-K-S-H-I-R-E, Berkshire Color. Is that a familiar name to you, sir?

A. No.

Q. How about Berkshire Knitting Mills?

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A. No.

Q. How about Boscov's, B-O-S-C-O-V--S, is that a familiar name?

A. I know of it, but it's not familiar from the landfill point.

Q. You don't believe Boscov's was a customer of the landfill?

A. They weren't.

Q. Do you have knowledge about Boscov's and the disposal of waste from Boscov's at Berks landfill?

A. No.

Q. How about the name Brown or Brown Trailer, B-R-O-W-N Trailer?

A. No.

Q. How about the name Cacoosing Industries, C-A-C-O-O-S-I-N-G?

A. No.

Q. Do you have any knowledge that Cacoosing Industries was a customer who disposed of waste in Berks Landfill?

A. No.

Q. How about Conrail, C-O-N-R-A-I-L? Do you have knowledge concerning disposal of waste by

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Conrail in the Berks landfill?

A. No.

Q. Eagle Chemical, is that a familiar name to you, sir?

A. No.

Q. G. H. Delt, D-E-L-T. Is that a familiar name to you, sir?

A. No.

Q. How about the name IGA or Pathmark, are those familiar names to you, sir?

A. Yes.

Q. Do you have any knowledge with respect to the disposal of wastes generated by IGA and/or Pathmark in the landfill?

A. No.

Q. How about International Foundry Supply? Is that a familiar name to you, sir?

A. No.

Q. Interstate Paper, is that a familiar name to you, sir?

A. No.

Q. Lentz, L-E-N-T-Z, Milling, M-I-L-L-I-N-G, is that a familiar name to you, sir?

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A. No.

Q. Mayers Bakery, M-A-Y-E-R-S, is that a familiar to you, sir?

A. Yes.

Q. Do you have any information with respect to disposal of wastes by Mayers Bakery in the Berks landfill?

A. No.

Q. What is the basis of your knowledge about Mayers Bakery?

A. I buy their bread.

Q. How about Narrow Fabric, N-A-R-R-O-W? Is that a familiar name to you, sir?

A. No.

Q. How about PP&L, is that a familiar name to you, sir?

A. It's a familiar name.

Q. Do you have any information with respect to disposal of waste by PP&L in your landfill?

A. No.

Q. Palmer Corporation, P-A-L-M-E-R. Is that a familiar name to you, sir?

A. Yes.

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Q. Do you have any information with respect to the disposal of any wastes by Palmer Corporation in the Berks landfill?

A. I hauled Palmer.

Q. Globe Industrial?

A. Globe Industrial hauled Palmer.

Q. Globe Industrial provided service to Palmer Corporation?

A. Yes.

Q. What type of business was Palmer Corporation involved in?

A. They were in -- as far as I know, I don't know a whole lot about them -- they were actually in the Skippack area where my business was located. They make some kind of a coating for brake linings that I know of for Ford General Motors.

Q. Did Globe Industrial haul wastes generated by Palmer Corporation and disposed of those wastes in Berks landfill?

A. Yes.

Q. What type of wastes did Globe Industrial haul for Palmer Corporation?

A. Cardboard, paper, office trash.

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Q. Did Globe Industrial haul any manufacturing wastes generated by Palmer Corporation for disposal in the landfill?

A. No.

Q. Did Globe Industrial haul any kind of coatings or solvents?

A. No.

Q. Who were the owners or operators of Palmer Corporation, if you know?

A. I really don't know their names, to tell you the truth.

Q. Did you have a contract with Palmer Corporation? And by "you," I mean Globe Industrial.

A. I think we did, yes.

Q. Do you know the identities of any employees or any other persons associated with Palmer Corporation?

A. I did know one -- I knew the owner and one of the workers there that I had dealt with, but I don't have their names offhand.

Q. Did Palmer Corporation ever attempt to dispose of any wastes at the landfill through Globe Industrial which were not acceptable to you?

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A. No.

Q. How about the name Prestolite,
P-R-E-S-T-O-L-I-T-E, is that a familiar name to
you, sir?

A. No.

Q. Do you have any knowledge with respect to
Prestolite or Prestolite Battery with respect to
disposal of waste in the Berks landfill?

A. No.

Q. How about the name Rock, R-O-C-K?

A. No.

Q. Is that a familiar name to you, sir?

A. No.

Q. How about the name Sharp Point?

A. No.

Q. Is that a familiar name to you, sir?

A. No.

Q. How about Shillington Farmer's Market, is
that a familiar name to you, sir?

A. No.

Q. St. Joseph's Hospital?

A. I've heard of it.

Q. Do you have any knowledge concerning

St. Joseph's Hospital and disposal of waste in the Berks landfill?

A. No..

Q. Do you know who hauled for St. Joseph's Hospital?

A. No.

Q. How about Swift, S-W-I-F-T?

A. No.

Q. Is that a familiar name to you, sir?

A. The name is familiar.

Q. Do you have any knowledge with respect to Swift and disposal of waste in the Berks landfill?

A. No.

Q. How about the name Textile Chemical? We talked about that possibly before. Is that a familiar name to you?

A. No.

Q. How about Textile Machine Works, is that a familiar name to you?

A. No.

Q. How about a company known as U.S.M.?

A. No.

Q. How about the name Molly Division,

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M-O-L-L-Y?

A. No.

Q. How about the name Emheart, E-M-H-E-A-R-T?

A. No.

Q. How about the name W. R. Grace, G-R-A-C-E?

A. No.

Q. Do you have any knowledge with respect to
W. R. Grace and disposal of waste in the Berks
landfill?

A. No.

Q. Warren Stenbar, S-T-E-N-B-A-R, is that a
familiar name to you, sir?

A. No.

Q. How about the name Western, W-E-S-T-E-R-N,
is that name familiar to you in any respect?

A. I think I have heard of the name, but I
don't know anything about it.

Q. Wilson Safety?

A. Who is it?

Q. Wilson, W-I-L-S-O-N, Safety. Is that A
familiar name to you, sir?

A. No.

Q. Wyomissing Glazed Papers,

W-Y-O-M-I-S-S-I-N-G. Is that a familiar name to you, sir?

A. No.

Q. How about the name Wyomissing Paper, is that a familiar name to you, sir?

A. Is that the same one you said to me?

Q. No, I said Wyomissing Glazed Paper?

A. Oh, no.

MS. BARNETT: Mr. DeMeno, are you familiar with a company called Reading Alloy?

THE WITNESS: No.

MS. BARNETT: Do you have any information to suggest that Reading Alloy disposed of waste at the Berks landfill?

THE WITNESS: No.

MS. BARNETT: How about the name Larry Goldberg, is that a familiar name to you?

THE WITNESS: No.

MS. BARNETT: Mr. DeMeno, am I correct that you would be familiar with individual companies' disposal practices

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2 only if they hauled waste directly as
3 opposed to a transporter? Is that correct?

4 THE WITNESS: Well, that would be
5 one way, but we really didn't take any
6 industrial waste from any of these haulers.

7 MS. BARNETT: I understand that,
8 Mr. DeMeno, but I think I heard you say
9 earlier that a hauler might have brought in
10 waste, let's say, paper waste, from an
11 industrial company like W. R. Grace.

12 THE WITNESS: That could be, yes.

13 MS. BARNETT: I'm just picking up
14 that. And you would not necessarily know
15 the original generator of the material.
16 Would that be true?

17 THE WITNESS: No. That's right,
18 yes.

19 MS. BARNETT: Let me ask one other
20 follow-up to that. Am I correct that the
21 customers of Globe Industrial whose wastes
22 you may have hauled to Berks landfill would
23 not necessarily be reflected in these trip
24 tickets that you've produced to Mr. Embick.

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Is that true?

THE WITNESS: I don't understand your question.

MS. BARNETT: I know it's sort of a convoluted one. It's my understanding that there are some companies that Globe Industrial hauled wastes directly from a particular customer to the Berks landfill. Is that true?

THE WITNESS: It's possible, yes

MS. BARNETT: Just as a matter of record-keeping, I'm trying to understand whether Globe Industrial's customers for whom you hauled to the Berks landfill would be reflected specifically in your trip tickets, or would they be listed under Globe Industrial? I'm just trying to get the practice, not any particular --

THE WITNESS: You mean did we write the accounts down that we picked up?

MS. BARNETT: Yes.

THE WITNESS: No.

MS. BARNETT: So, in other words,

let's say Globe Industrial went to XYZ Company and hauled, let's say, paper waste to the Berks landfill.

THE WITNESS: Right.

MS. BARNETT: XYZ Company would not appear in those trip tickets?

THE WITNESS: No.

MS. BARNETT: But they would appear through Globe Industrial?

THE WITNESS: Right.

MS. BARNETT: Does Globe Industrial, whether in your crawl space or elsewhere, have a record of those companies, or would that be with O'Hara?

THE WITNESS: O'Hara would have taken all that. They even took the computers.

MS. BARNETT: Okay, fair enough. And the computer program, I'm sure.

(There was a recess from 3:00 p.m. until 3:10 p.m.)

BY MR. EMBICK:

Q. Here are a couple more names for you,

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2 Mr. DeMeno. We mentioned the name, I mentioned the
3 name Barkman Disposal Service. How about Berkman,
4 B-E-R-K-M-A-N? Is that a name that's familiar to
5 you, sir?

6 A. I've heard of it. I don't remember if they
7 dumped there or not.

8 Q. Is Berkman a name that you recognize as
9 being separate from Barkman?

10 A. I believe so, yes.

11 Q. Do you know if Berkman Disposal Service was
12 a transporter who utilized Berks landfill for
13 disposal of wastes?

14 A. I'm not sure.

15 Q. How about the name Cohing, C-O-H-I-N-G? Is
16 that a name that's familiar to you, sir?

17 A. No.

18 Q. My notes indicate that Cohing is a hauler in
19 the Hamburg, Pennsylvania area. Does that ring a
20 bell with you, sir?

21 A. No.

22 Q. How about a James Dawkins, D-A-W-K-I-N-S,
23 is that a familiar name to you, sir?

24 A. No.

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2 Q. How about the name Green Trash Removal? I
3 earlier mentioned the name John H. Green.

4 A. I think they were the same company, if I'm
5 not mistaken.

6 Q. So it's your recollection that Green Trash
7 Removal is a company or an entity affiliated with
8 or associated with John H. Green?

9 A. I believe so, I'm not positive of that. But
10 I believe it was.

11 Q. How about the name Industrial Waste Removal,
12 Incorporated?

13 A. It don't ring a bell.

14 Q. Do you have any knowledge that Industrial
15 Waste Removal, Inc. was related to either Globe
16 Disposal or Globe Industrial?

17 A. No.

18 Q. Do you have any knowledge at all about a
19 company named Industrial Waste Removal, Inc. with
20 respect to disposal of wastes in the Berks landfill?

21 A. No.

22 Q. How about the name Arthur Brooks,
23 B-R-O-O-K-S, is that a familiar name to you, sir?

24 A. No.

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Q. How about the name Colbert, C-O-L-B-E-R-T,
is that a familiar name to you, sir?

A. No.

Q. How about the name G. H. Delp. Earlier I
spoke to you about a Delt, D-E-L-T. Does the name
Delp, D-E-L-P, mean anything to you?

A. No.

Q. How about the name Hock Disposal, H-O-C-K,
is that a familiar name to you?

A. I've heard of it, but no affiliation that
they dumped at the landfill that I know of.

Q. How about the name Hoke. And that's spelled
either H-O-K-E or H-O-C-H.

A. I thought that was one you just asked me
about, but maybe I'm wrong. There's a Hoke that I
know that's in Allentown.

Q. Do you have any information concerning
possible disposal of wastes by Hoke at the Berks
landfill?

A. No.

Q. To your knowledge, Hoke was not a
transporter of wastes for disposal at the landfill?

A. Not while I was there, no.

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Q. Do you know if Hoke used the landfill before you purchased it?

A. I don't know.

Q. How about a company named K-Mart?

A. What is it?

Q. K-Mart.

A. K-Mart? No.

Q. Do you have any knowledge that K-Mart possibly disposed of wastes in the landfill to your knowledge?

A. No.

Q. How about the name King-Cup Candy,
K-I-N-G - C-U-P Candy

A. No.

Q. King-Cup Candy, sir, is that a familiar name to you?

A. No.

Q. How about the name RRM Corporation. Is that a familiar name to you, sir?

A. Yes.

Q. What do you know about RRM Corporation?

A. I see their trucks around. I don't know, they are not in the trash business that I know of.

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Q. What's the nature of RRM Corporation's business?

A. Blacktop, driveways, if it's the same company.

Q. Do you have any information with respect to the possible disposal of wastes by RRM Corporation at Berks landfill?

A. No.

Q. How about Enviro-Safe Services of Pennsylvania. Is that a familiar name to you, sir?

A. No.

Q. Do you have any information which indicates that RRM Corporation and Enviro-Safe Services of Pennsylvania are somehow related or linked?

A. I don't know.

Q. How about the name RTS, is that a familiar name to you, sir?

A. No.

Q. Riefsnyder, R-I-E-F-S-N-Y-D-E-R, is that a familiar name to you, sir?

A. Yes.

Q. What information do you have with respect to Riefsnyder?

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A. I think we hired them when I first took over the landfill to haul leachate for us.

Q. And was that leachate generated by the landfill?

A. Yes.

Q. Where was the leachate taken for disposal?

A. I have no idea at this point. I think it was Hatfield, probably Hatfield's sewer authority.

Q. Do you have any other information with respect to Riefsnyder and the possible disposal of wastes at Berks landfill?

A. No.

Q. How about the name Novak, N-O-V-A-K? Is that a familiar name to you, sir?

A. Yes, I've heard of it. I don't know.

Q. Do you have any information concerning the possible disposal of wastes by Novak at the Berks landfill?

A. Maybe this isn't the same Novak. There was a Novak landfill, that's the only thing I know. They never disposed of anything at the landfill that I know of.

Q. You are not aware of any information with

1
2 respect to Novak hauling wastes to Berks landfill
3 for disposal?

4 A. No.

5 Q. How about Valley Disposal, is that a
6 familiar name to you?

7 A. No.

8 Q. Do you have any information that links
9 Valley Disposal with Novak in any way?

10 A. No.

11 Q. Or suggests that a connection exist between
12 Valley Disposal and Novak?

13 A. I don't know if they do or not.

14 Q. Novak or Valley Disposal was not a hauler of
15 wastes to the landfill to the best of your
16 knowledge?

17 A. Not to my knowledge, no.

18 Q. How about the name LeRoy, capital L-e
19 capital R-O-Y Hinkle. I mentioned Hinkle Hauling
20 to you before.

21 A. Yes, there was a Hinkle Hauling. I don't
22 know about a LeRoy Hinkle.

23 Q. The name LeRoy Hinkle does not mean anything
24 to you, sir?

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A. No.

Q. How about the name Adelphia Kitchens,
A-D-E-L-P-H-I-A, is that a familiar name to you,
sir?

A. No.

Q. How about the name Adelphia Seaford,
S-E-A-F-O-R-D, is that a familiar name to you, sir?

A. No.

Q. How about the name Admixtures Industries,
A-D-M-I-X-T-U-R-E-S?

A. No.

Q. How about the name Agway Incorporated?

A. I've heard of Agway.

Q. Do you have any information concerning
possible disposal of wastes generated by Agway Inc.
or Disposal?

A. I just know that they sell door to door. I
don't know anything about the company.

MS. BARNETT: I think that's

Amway. Agway is feed and grain.

THE WITNESS: Oh, I'm sorry.

Q. Having heard that, does that refresh your
recollection about possible connection of Agway and

1 disposal of wastes at the landfill?

2 A. No.

3 Q. How about the name Ahner, A-H-N-E-R,
4 Calculators. Is that a familiar name to you, sir?

5 A. No.

6 Q. How about Aige, A-I-G-E, Furniture Company,
7 is that a familiar name to you, sir?

8 A. No.

9 Q. How about Associated Business Systems, does
10 that name ring a bell with you, sir?

11 A. No.

12 Q. Automotive Services?

13 A. No.

14 Q. How about Avril, A-V-R-I-L, Incorporated?

15 A. No.

16 Q. Do you have any information that suggests
17 that Avril Incorporated was a customer who
18 disposed of wastes in the landfill?

19 A. No.

20 Q. How about B&G Glass Service Incorporated.
21 Is that a familiar name to you, sir?

22 A. No.

23 Q. How about Bearings Incorporated,
24

1
2 B-E-R-R-I-N-G-S? Is that a familiar name to you,
3 sir?

4 A. Yes.

5 Q. Tell me what you know about Berrings.

6 A. They are located in an area that I'm
7 familiar with. That's the only thing that I know
8 about them.

9 Q. Do you have any information concerning
10 possible disposal of wastes by Berrings in the
11 Berks landfill?

12 A. No.

13 Q. Is Berrings a customer of Globe Industrial?

14 A. It was at one time, but I don't think we
15 were hauling it at the time we owned the landfill.

16 Q. When I ask you if you have any information
17 with respect to a company, I'm also intending that
18 you tell me if these names that I'm reading to you
19 appear in your mind or you recall that they were
20 customers of Globe Industrial.

21 A. Well, if I recognized it, I would tell you.

22 Q. Good.

23 A. I did hauling for Berrings Incorporated at
24 one time, but I don't think we hauled for Berrings

1 while we had the landfill.

2
3 Q. You said the business of Berrings was glass
4 manufacture? Did I hear you correctly?

5 A. No.

6 Q. What was the business of Berrings?

7 A. They made bearings as far as I know. I
8 don't know what else they did.

9 Q. So it could possibly be bearings,
10 B-E-A-R-I-N-G-S?

11 A. I believe so, yes.

12 Q. You don't know anything about Berrings,
13 B-E-R-R-I-N-G-S, Incorporated?

14 A. No.

15 Q. How about Berks Engineering Company, does
16 that name ring a bell with you, sir?

17 A. No.

18 Q. How about Berks Vo-Tech District School,
19 does that name ring a bell with you, sir?

20 A. No.

21 Q. Bernville, B-E-R-N-V-I-L-L-E, Manufacturing
22 Company, is that a familiar name to you, sir?

23 A. No.

24 Q. How about Bojangles Restaurant, is that a

ORIGINAL
(Red)

1 familiar name to you, sir?

3 A. No.

4 Q. Have you ever eaten at Bojangles?

5 A. No.

6 Q. How about Pete Yacomes, Y-A-C-O-M-E-S,
7 Chevron Station, is that a familiar name to you?

8 A. No.

9 Q. How about Crow, C-R-O-W, Frame and Alignment
10 Center. Is that a familiar name to you, sir?

11 A. No.

12 Q. Delaware Valley Safeguard?

13 A. No.

14 Q. No knowledge of Delaware Valley Safeguard?

15 A. No.

16 Q. Do you have any information with respect to
17 Denny's Restaurant in connection with disposal of
18 wastes at the Berks landfill?

19 A. No.

20 Q. How about the Detweiler Veterinary Hospital,
21 is that a familiar name to you?

22 A. No.

23 Q. How about D.B. Dickinson & Sons,
24 Incorporated? Is that a familiar name to you?

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A. No.

Q. How about Irwin Dickinson, is that a familiar name?

A. No.

Q. Diversified Mechanical Incorporated, is that a familiar name?

A. No.

Q. Dolfin Corporation, D-O-L-F-I-N?

A. No.

Q. How about Domino's Pizza.

A. No.

Q. How about the Farms or Fauns Chiropractic Center, any knowledge of that?

A. No.

Q. First National Bank of Leesport, is that a familiar name to you, sir?

A. No.

Q. How about the Foster Brothers, is that a familiar name to you, sir?

A. No.

Q. How about the Friendly Ice Cream restaurant?

A. No.

Q. Do you have any knowledge with respect to

Friendly Ice Cream Restaurant as a customer of the landfill?

A. No.

Q. How about the G. P. Fastener Industrial Supply Company, any knowledge of that company as a customer of the landfill?

A. No.

Q. How about the GPU Service Corporation, is that a familiar name to you, sir?

A. No.

Q. How about Glen Manufacturing Company, does that name ring a bell with you, sir?

Q. How about the Glendale or Glendoe Medical Association?

A. No.

Q. How about the Ground Round Restaurant?

A. No.

Q. How about Heck Brothers, H-E-C-K?

A. No.

Q. How about Herb, H-E-R-B, Motors?

A. No.

Q. How about the Hitching Post Family Restaurant, any knowledge?

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2 A. No.

3 Q. How about the Iris Club of Wyomissing?

4 A. Never heard of them.

5 Q. The Jolyn Diner, J-O-L-Y-N, Diner?

6 A. No.

7 Q. K&S Paving and Landscaping, any knowledge of
8 K&S Paving and Landscaping?

9 A. No.

10 Q. How about the Kaleyo, K-A-L-E-Y-O, or
11 Kaleys, K-A-L-E-Y-S, Corner?

12 A. No.

13 Q. Laurel Dale Brothers, L-A-U-R-E-L D-A-L-E,
14 any knowledge?

15 A. No.

16 Q. Leesport Area Athletic Association, any
17 information or knowledge?

18 A. No.

19 Q. How about the Leesport Fire Company?

20 A. No.

21 Q. Did anybody ever bring wastes from buildings
22 that had been damaged or destroyed by fire for
23 disposal at the landfill?

24 A. If they did, I don't remember.

1
2 Q. How about the Leesport Swimming Pool or
3 Swimming Club, any knowledge?

4 A. No.

5 Q. How about Malsnace, M-A-L-S-N-A-C-E, or
6 Malsner, M-A-L-S-N-E-R, Tile, any information?

7 A. No.

8 Q. How about Mast, M-A-S-T, Engineering
9 Company?

10 A. I've heard of them, I don't know. They are
11 no relationship, nothing to do with the landfill
12 that I know of.

13 Q. How about Meadowbrook Farms,
14 M-E-A-D-O-W-B-R-O-O-K?

15 A. No.

16 Q. How about Mell Hardware Company, M-E-L-L?

17 A. No.

18 Q. How about Melans, M-E-L-A-N-S, Van Rush Inn?

19 A. No.

20 Q. Milroy Enterprises, M-I-L-R-O-Y?

21 A. No.

22 Q. How about National Auto Supply,
23 Incorporated?

24 A. No.

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Q. News and Choose, N-E-W-S?

A. No.

Q. How about Oeillo, O-E-I-L-L-O, Incorporated?

A. No.

Q. How about Leesport Brothers, any
information?

A. No.

Q. How about the Paper Party Stores, any
knowledge?

A. No.

Q. Penn Optical Company?

A. No.

Q. Do you have any knowledge of the Penn
Optical Company located in the Reading area?

A. No.

Q. No knowledge of Penn Optical as a customer
of the landfill?

A. No.

Q. How about the Singer Equipment Company, any
knowledge or information concerning the Singer
Equipment Corporation or Company?

A. No.

Q. How about 7-11 Food Stores, do you have any

recollection that they were customers of the landfill?

A. No, they weren't.

Q. How about Springwood Products, do you have any information with respect to Springwood Products?

A. No.

Q. How about Stoudts, S-T-O-U-D-T-S, Auto Sales? Do you have any knowledge of Stoudts Auto Sales?

A. No.

Q. Who was the supplier of vehicles that you used in connection with your operations at the landfill? Was that Mr. Lombardo?

A. No.

Q. Who was that?

A. What do you mean?

Q. Who supplied the various vehicles or equipment that you used at the landfill?

A. The compactors and the dozers?

Q. Right, the compactors and dozers.

A. We bought them privately.

Q. From whom?

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A. A company right here on 309. I can't remember the name of it.

Q. Giles and Ransome?

A. No. Well, we did some business with them, but it's over in Souderton on 309. I can't remember the name of it now. We bought a couple compactors from them.

Q. Did you have any other business relationship with this company that's located on Route 309 with respect to disposal of wastes at the landfill?

A. No.

Q. How about Towne Motors, T-O-W-N-E, Motors?

A. No.

Q. How about Trucks Incorporated?

A. Never heard of them.

Q. How about the Twenty-Two, T-W-E-N-T-Y, Two Food Market, any information?

A. No.

Q. How about Weaners, W-E-A-N-E-R-S, Country Kitchen, any information?

A. No.

Q. How about Wendy's Incorporated?

A. No.

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Q. Never serviced any Wendy's restaurants or Wendy's stores?

A. No.

Q. How about the Wernersville Fire Company, W-E-R-N-E-R-S-V-I-L-L-E?

A. No.

Q. How about the Wernersville Post Office?

A. No.

Q. We're in the Ws.

A. Yes, you are getting close.

Q. Of this one. How about the name A. Roeburg, R-O-E-B-U-R-G, is that a familiar name to you, sir?

A. No.

Q. A. W. Golden Leasing, G-O-L-D-E-N, is that a familiar name to you, sir?

A. No.

Q. ABF Trucking, is that a familiar name to you, sir?

A. No.

Q. How about Adidas, A-D-I-D-A-S, America, Incorporated?

A. No.

Q. Do you know if any shoe companies were

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customers of the landfill?

A. No.

Q. Do you know if any of your transporters hauled for shoe companies and disposed of that waste in the Berks landfill?

A. Not to my knowledge.

Q. How about Aero, A-E-R-O-D-Y-N-A-M-I-C-S, Aerodynamics Corporation?

A. No.

Q. Is that a familiar name to you, sir?

A. No.

Q. How about Agway Petroleum Corporation?

Earlier I mentioned Agway. Now I'm asking you about Agway Petroleum Corporation.

A. No.

Q. How about a company known as Air Seal, A-I-R, capital S-E-A-L? Is that a familiar name to you, sir?

A. No.

Q. How about All-Bright Light Company, A-L-L - B-R-I-G-H-T, is that a familiar name to you, sir?

A. No.

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Q. How about the Allentown Cement Company?

A. No.

Q. Do you recall if any cement wastes or cementitious wastes were disposed of at the landfill for any purpose?

A. Not to my knowledge, no.

Q. How about Scancem International,
S-C-A-N-C-E-M?

A. No.

Q. How about Transtech Industries,
T-R-A-N-S-T-E-C-H?

A. No.

MR. HANN: Could we go off the
record?

MR. EMBICK: Yes.

(Discussion off the record.)

(Recess taken from 3:50 p.m. to
3:58 p.m.)

BY MR. EMBICK:

Q. A company called Aluminum Associates, is
that a familiar name to you, sir?

A. No.

Q. How about American International, is that a

1
2 familiar name to you, sir?

3 A. No, it isn't.

4 Q. American Television and Communications, is
5 that a familiar name to you, sir?

6 A. No.

7 Q. How about Amsoil, A-M-S-O-I-L, Synthetic
8 Lubricants; is that a familiar name to you?

9 A. No.

10 Q. How about Armondo, A-R-M-O-N-D-O, F.
11 Durinzi, D-U-R-I-N-Z-I, is that a familiar name to
12 you, sir?

13 A. No.

14 Q. How about Armstrong Cork Company? I asked
15 you earlier about Armstrong. Do you have any
16 knowledge of Armstrong Cork Company with respect to
17 disposal of wastes at the landfill?

18 A. No.

19 Q. How about Astor, A-S-T-O-R, Knitting Mills,
20 Incorporated?

21 A. No.

22 Q. Atco Enterprises, capital A-T-C-O
23 Enterprises. Is that a familiar name to you, sir?

24 A. No.

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Q. How about Atlantic Richfield Company, is that a familiar name to you, sir?

A. No.

Q. How about BP Oil Company, is that a familiar name to you?

A. No.

Q. Do you know if you had any customers who were involved in either the production or marketing of petroleum products whose wastes were disposed of in the landfill?

A. No.

Q. How about a company known as The Barn, B-A-R-N, the barn?

A. No.

Q. Is that a familiar name to you, sir?

A. No.

Q. How about Berk, B-E-R-K, Tread, T-R-E-A-D. Is that a familiar name to you, sir?

A. No.

Q. How about Patton, P-A-T-T-O-N, Associates, Incorporated, is that a familiar name to you, sir?

A. No.

Q. How about Berks Products, B-E-R-K-S, capital

1
2 P-R-O-D-U-C-T-S, Berks Products? Is that a
3 familiar name to you, sir?

4 A. Yes.

5 Q. Were they a customer of the landfill, sir?

6 A. No.

7 Q. Do you have any information with respect to
8 Berks Products in the disposal of wastes at the
9 Berks landfill?

10 A. No.

11 Q. How about the Bethlehem Steel Corporation.
12 Do you have any information with respect to
13 Bethlehem Steel Corporation and disposal of wastes
14 at the landfill?

15 A. No.

16 Q. Did you ever have any customers that were
17 involved in the business of steel or other metal
18 fabrication or manufacturing?

19 A. No.

20 Q. How about a person or entity known as
21 Mahlon, M-A-H-L-O-N, Black, Mahlon Black. Is that
22 a familiar name to you, sir?

23 A. No.

24 Q. How about the Bohrer, B-O-H-R-E-R - Reagan,

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R-E-A-G-A-N, is that a familiar name to you, sir?

A. No.

Q. How about the Borough of Kenhorst,
K-E-N-H-O-R-S-T. Do you recognize the Borough of
Kenhorst as a customer of your landfill?

A. No.

Q. How about the Borough of West Lawn, is that
a familiar name to you, sir?

A. No.

Q. How about the Borough of Wyomissing,
W-Y-O-M-I-S-S-I-N-G?

A. No.

Q. How about a company known as Bostik,
B-O-S-T-I-K, is that a familiar name to you, sir?

A. No.

Q. Bower, B-O-W-E-R, Battery. Is that a
familiar name to you, sir?

A. No.

Q. How about a company known as the Bowman,
B-O-W-M-A-N Hat Factory located in Denver,
Pennsylvania?

A. Where?

Q. Denver, Pennsylvania.

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A. No.

Q. Brentwood Industries, B-R-E-N-T-W-O-O-D. Is that a familiar name to you, sir?

A. No.

Q. How about Brown, B-R-O-W-N, Trailer. I think I asked you about that before.

A. You did ask me.

Q. You have no recollection of Brown Trailer?

A. No.

Q. How about Buehrer's, B-U-E-H-R-E-R-'-S Stained Glass Studios.

A. No.

Q. How about Building Industries Exchange, is that a familiar name to you?

A. No.

Q. Do you recognize Building Industries Exchange as being a customer of Bux-Mont?

A. I wouldn't know.

Q. C. D. Schneck, S-C-H-N-E-C-K. Is that a familiar name to you, sir?

A. No.

Q. How about the Caloric Corporation, C-A-L-O-R-I-C. Is that a familiar name to you?

1
2 A. No.

3 Q. Did you have any customers who disposed of
4 either porcelain paint or byproduct from the
5 application of porcelain coatings to either metal
6 like stoves, refrigerators or other cooking wear?

7 A. No.

8 Q. How about Amana Company, A-M-A-N-A. Are you
9 familiar with a company known as Amana with respect
10 to disposal of wastes at the landfill?

11 A. No.

12 Q. How about the name or the entity F. H.
13 Cammauf, C-A-M-M-A-U-F. Is that a familiar name to
14 you, sir?

15 A. No.

16 Q. How about Camp Hosiery Company, Incorporated?

17 A. No.

18 Q. Camsco, C-A-M-S-C-O, is that a familiar name
19 to you, sir?

20 A. No.

21 Q. Carlos Leffler, L-E-F-F-L-E-R, Incorporated.
22 Any information about Carlos Leffler with respect
23 to possible disposal of wastes at the landfill?

24 A. No.

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Q. How about Charles Koenig Garage,
K-O-E-N-I-G.

A. No.

Q. How about Chemical Decontamination. Is that
a company that's familiar to you?

A. No.

Q. Did you have any customers that were
involved in the remediation of oil spills or
chemical spills as customers of the landfill?

A. Not while I operated it, no.

Q. Do you know if Mr. Lombardo had such
customers?

A. I don't know.

Q. Did you ever hear of anything with respect
to any type of customers from Mr. Lombardo's era?

A. He wouldn't tell you if he did.

Q. How about Chima Incorporation, C-H-I-M-A?

A. No.

Q. How about City of Philadelphia? Was the
City of Philadelphia ever a customer of your
landfill with respect to disposal of wastes either
through -- and I'll ask you this question -- either
through Globe Industrial or any other company that

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you are aware of?

A. Not to my knowledge, no.

Q. Do you know if any wastes from transfer stations owned and operated by the City of Philadelphia went to the Berks landfill for disposal?

A. Not to my knowledge.

Q. How about any wastes associated with operation of municipal incinerators?

A. No.

Q. Did the landfill ever use incinerator ash as a cover material?

A. No.

Q. Did you ever seek approval from the department to use incinerator ash as a cover material?

A. Yes.

Q. What happened to that application?

A. It was turned down.

Q. How about a company known as Clark Lift Services, Incorporated? C-L-A-R-K L-I-F-T, Clark Lift Services.

A. No.

Q. Claude J. Mervine & Sons, Incorporated,

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M-E-R-V-I-N-E. Any information about that company as a possible disposer of wastes at the landfill?

A. No.

Q. How about Contractors Painting Service, is that a familiar name to you, sir?

A. No.

Q. CPS Chemical Company?

A. No.

Q. How about D&T Disposal? Earlier on, if you recall, in March, I think the first day of our deposition, I showed you some dump tickets that had the name DT, the letters "D" and "T" written on them.

A. Right.

Q. Is that the same as D&T Disposal to your knowledge?

A. I don't know, I imagine it would be.

Q. Do you have any information with respect to D&T Disposal?

A. I don't even remember the company, to tell you the truth.

Q. Dadey's, D-A-D-E-Y--S Exxon?

A. No.

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Q. Any information?

A. No.

Q. How about DeSantis, capital D-E capital
S-A-N-T-I-S. Is that a familiar name to you?

A. No.

Q. How about Dick Horrigan, H-O-R-R-I-G-A-N?

A. No.

Q. Any information with respect to disposal of
wastes at the landfill concerning Dick Horrigan as
an auto dealer?

A. Never at the time I was there, no.

Q. How about Diller Plank, Incorporated,
D-I-L-L-E-R, P-L-A-N-K. Diller Plank,
Incorporated, is that a name that's familiar to
you?

A. No.

Q. How about Donald R. Wright, W-R-I-G-H-T, is
that a familiar name?

A. No.

Q. How about the DorMae Machine Shop, capital
D-O-R, capital M-A-E, Machine Shop?

A. No.

Q. No information about DorMae Machine Shop?

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A. No.

Q. How about the E. J. Breneman,
B-R-E-N-E-M-A-N, Incorporated?

A. No.

Q. How about Eagle Chemical Company?

A. No.

Q. How about Empire Wrecking, is that a
familiar name to you?

A. It's familiar.

Q. Was Empire Wrecking a customer of your
landfill?

A. Not during the time I was there, no.

Q. Do you know if Empire Wrecking ever disposed
of wastes at the Berks landfill?

A. I have no idea.

Q. Did anyone mention to you that Empire
Wrecking was a customer of the landfill?

A. Did anybody mention it?

Q. Did anybody ever mention it to you?

A. No.

Q. How about the Fairgrounds Square Mall, is
that a name that's familiar to you, sir?

A. No.

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Q. How about Firedex, F-I-R-E-D-E-X? Any information about Firedex?

A. No.

Q. How about Fortna Materials Handling and Equipment, F-O-R-T-N-A?

A. No.

Q. No information about Fortna?

A. No.

Q. How about a company known as Fusion Coatings, Incorporated, F-U-S-I-O-N?

A. No.

Q. No information?

A. No.

Q. How about G&S Company?

A. No.

Q. No information?

A. No.

Q. How about Sealed Air Corporation, S-E-A-L-E-D, Sealed Air Corporation. Do you have any information with respect to Sealed Air Corporation?

A. No.

Q. How about the Giorgia, G-I-O-R-G-I-A,

1 Mushroom Company?

2 A. No.

3 Q. Do you know if any companies that were
4 involved in the agricultural process of growing
5 mushrooms were customers of your landfill?
6

7 A. No.

8 Q. Did any compost material ever come to be
9 disposed of in your landfill?

10 A. No.

11 Q. How about the Glen-Gery Corporation,
12 G-L-E-N - G-E-R-Y Corporation?

13 A. No.

14 Q. Were they ever a customer of your landfill?

15 A. No.

16 Q. To your knowledge, was any manufacturer of
17 masonry supplies or bricks a customer of the
18 landfill?

19 A. No.

20 Q. How about the Gloray Company, G-L-O-R-A-Y?

21 A. No.

22 Q. How about a company known as Gooding,
23 Simpson and Mackes, G-O-O-D-I-N-G, Simpson and
24 Mackes, M-A-C-K-E-S?

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A. No.

Q. How about Gulf Oil Company, G-U-L-F?

A. I've heard of them, but they never dumped at the landfill that I know of, during my time.

Q. How about the H&L Mobile Concrete Company, possibly doing business as Harvey D. George, Incorporated. Do you have any information?

A. No.

Q. How about H&H Disposal, is that a familiar name to you?

A. I've heard of it.

Q. Was H&H Disposal a transporter of wastes for disposal at the Berks landfill?

A. I don't believe they were, no. If they are not on any of the --

Q. I didn't see it.

A. I don't think they were.

Q. How about H&R Salvage. Is that a familiar name to you?

A. No.

Q. How about Herre Brothers, H-E-R-R-E. Herre Brothers?

A. No.

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Q. How about the Amerada, A-M-E-R-A-D-A, Hess Corporation?

A. No.

Q. Or Hess Oil?

A. No.

Q. Is that a familiar name to you?

A. No.

Q. How about Hi-Tech, H-I, dash, capital T-E-C-H, Hi-Tech Retreading, Incorporated?

A. No.

Q. Hines, H-I-N-E-S, Supply. Is that a familiar name to you, sir?

A. No.

Q. Howers Sanitation, H-O-W-E-R-S. Is that a familiar name to you as a customer of the landfill?

A. No.

Q. Huckabee & Weiler, H-U-C-K-A-B-E-E & Weiler, W-E-I-L-E-R?

A. I know of them.

Q. Were they a customer of the landfill?

A. No, they were attorneys.

Q. Are you sure they weren't customers of your landfill?

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A. No, they were Lombardo's attorneys.

Q. Mr. Huckabee represented Sebastian Lombardo.

A. And I think that was his partner, Weiler.

Q. How about a company known as Industrial Lift Truck. Do you have any knowledge with respect to Industrial Lift Truck?

A. No.

Q. How about Ingersoll-Rand, I-N-G-E-R-S-O-L-L, hyphen, R-A-N-D?

A. No.

Q. How about the International Foundry Supply, Incorporated. I may have asked you about that before. Does that sound familiar to you?

A. No.

Q. How about Interstate Container?

A. No.

Q. J&J Power Sweeping?

A. No.

Q. How about J. Walter Miller Company, M-I-L-L-E-R?

A. No.

Q. How about Joseph G. Gilardone & Son, Incorporated, G-I-L-A-R-D-O-N-E?

1
2 A. No.

3 Q. How about K&S Texaco?

4 A. No.

5 Q. Kachel Motors, K-A-C-H-E-L?

6 A. Never heard of them.

7 Q. Knight's Rental, K-N-I-G-H-T-'-S

8 A. No.

9 Q. Kohl, K-O-H-L Building Products?

10 A. No.

11 Q. How about the Kutztown Publishing Company,
12 Incorporated, were they ever a customer of your
13 landfill?

14 A. No.

15 Q. Were any printing companies ever a customer
16 of your landfill?

17 A. Not to my knowledge.

18 Q. How about any universities or institutions
19 of higher learning, were they ever customers of
20 your landfill?

21 A. Not that I know of, no.

22 Q. How about a college known as Kutztown
23 University? To your recollection, were they ever a
24 customer of your landfill for disposal of wastes?

1 A. Not while I was there, no.

2 Q. To your knowledge, did anyone haul for
3 Kutztown University?
4

5 A. It's possible, I don't know.

6 Q. Did any hauler that serviced Kutztown
7 University dispose of Kutztown University's waste
8 at the landfill?

9 A. I don't know.

10 Q. How about L.K. Artisans?

11 A. No.

12 Q. How about Lift, Incorporated, L-I-F-T?

13 A. No.

14 Q. Lindgren Chrysler-Plymouth, L-I-N-D-G-R-E-N?

15 A. No.

16 Q. I asked you before about companies or
17 businesses that sold motor vehicles or provided
18 service for motor vehicles. Were any of those
19 companies customers of your landfill for disposal
20 of wastes?

21 A. No.

22 Q. How about MGP Incorporated, capital MGP?

23 A. No.

24 Q. Master Design Furniture?

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A. No.

Q. Mid-Atlantic Distributors, Incorporated. Is that a familiar name to you, sir?

A. No.

Q. How about the Munichem, M-U-N-I-C-H-E-M, Coatings Company, is that a familiar name to you?

A. No.

Q. How about the National Gypsum Company, does that ring a bell?

A. No.

Q. I asked you this before, but were any of your customers involved in the business of manufacturing construction products such as hardboard, flakeboard, drywall, gypsum products, et cetera, to your knowledge?

A. The only one would be Continental Container or Continental Can, whatever it was called.

Q. How about National Sandblast Company, is that a familiar name to you?

A. No.

Q. Are any of your customers involved in the foundry business, making cast iron products?

A. No.

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Q. To your knowledge, were any of your customers involved in the business of disposing of foundry sand or bricks?

A. No.

Q. How about the Nichols Discount City and Shopping Center. Did that company have any relationship to Mr. Nichols, to your knowledge?

A. I don't think so, no.

Q. How about Norristown Borough, were they ever a customer of your landfill?

A. No.

Q. Was Norristown Borough ever a customer of Globe Industrial?

A. Yes, I hauled from there one time, yes.

Q. Did you haul any wastes from Norristown Borough to the Berks landfill?

A. No.

Q. Did you haul any wastes from Norristown Borough to the Plymouth transfer station?

A. Yes.

Q. To your knowledge, no wastes from Norristown Borough ever found their way into the Berks landfill?

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2 A. No.

3 Q. Northside Aviation, Incorporated, is that a
4 familiar name to you?

5 A. No.

6 Q. The Dorney Printing Company, is that a
7 familiar name?

8 A. No.

9 Q. Or Daytimers?

10 A. No.

11 Q. I asked you this before, but I'll restate it
12 in a different way. Did you ever have occasion to
13 accept any wastes from companies that were in the
14 business of printing forms, newspapers, pamphlets,
15 books and the like?

16 A. No.

17 Q. How about Pendora Tool and Die, Incorporated?

18 A. No.

19 Q. How about Penn State University, the Berks
20 campus. Were they ever a customer of your landfill
21 or your hauling company?

22 A. No.

23 Q. How about Penske Racing, are you familiar
24 with that name?

1 A. I'm familiar with the name.

2 Q. To your knowledge, Penske Racing was not
3 involved in the disposal of wastes in your
4 landfill?
5

6 A. No.

7 Q. How about Performance Automotive Service?

8 A. No.

9 Q. How about Plymouth Township, were they ever
10 a customer of the landfill for disposal of wastes,
11 or Globe Industrial?

12 A. No.

13 Q. How about Prospectus Associates,
14 Incorporated, P-R-O-S-P-E-C-T-U-S?

15 A. No.

16 Q. How about Rachlin Furniture, R-A-C-H-L-I-N?

17 A. No.

18 Q. How about the Reading Body Works,
19 Incorporated?

20 A. No.

21 Q. Reading Foundry and Supply Company?

22 A. No.

23 Q. How about Reading Foundry and Tube?

24 A. No.

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Q. Reading Technical Coatings, does that sound familiar to you?

A. No.

Q. How about the Red Cheek Division, does that sound familiar to you?

A. No.

Q. Did you ever have occasion to have customers dispose of wastes at the landfill who were involved in food production?

A. Not to my knowledge.

Q. Did any of your customers of your Globe Industrial Company request that you haul wastes to the landfill that were comprised of food processing wastes?

A. No.

Q. Resource Technologies Corporation. I think I asked you about an RTC before.

A. RTC?

Q. Right.

A. No.

Q. No knowledge of Resource Technologies Corporation or RTC?

A. No.

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Q. How about the Roffman Furniture Associates, Incorporated, R-O-F-F-M-A-N?

A. No.

Q. How about Rohm and Haas, are you familiar with that name as a customer of your landfill?

A. No.

Q. Do you know if anyone hauled wastes generated by Rohm and Haas? To your knowledge, did anyone ever haul wastes generated by Rohm and Haas to the Berks landfill?

A. No.

Q. How about Roxborough Memorial Hospital?

A. Not to my knowledge.

Q. How about Ryder Truck, do you have any information with respect to Ryder Truck with respect to disposal of wastes at your landfill?

A. I think Globe hauled for Ryder Truck in King of Prussia, but I'm not positive of that.

Q. You think Ryder Truck was a customer of Globe Industrial?

A. I believe so, yes.

Q. Do you have any information that Globe Industrial hauled Ryder Truck's waste to the Berks

1 landfill?

2 A. All we hauled for them was office trash and
3 cardboard boxes that they threw away.

4 Q. Do you have any information that Globe
5 Industrial hauled the wastes that you mentioned to
6 the Berks landfill for disposal?

7 A. It's possible, yes.

8 Q. Do you have any information that the wastes
9 that you mentioned were hauled to the Plymouth
10 transfer station?

11 A. Very possible.

12 Q. How about Sammons Communications of
13 Pennsylvania, S-A-M-M-O-N-S. Any information about
14 Sammons?

15 A. No.

16 Q. In connection with -- well, let me ask about
17 SCT - Graterford. Is that a familiar name to you?

18 A. No.

19 Q. Do you know anything about SCA Services?

20 A. That was a trash hauling company at one
21 time, taken over by maybe Waste Management or
22 B.F.I., one or the other.

23 Q. Do you know if SCA Services was a
24

1 transporter of wastes to the Berks landfill?

2 A. Not while I was there. They were out of
3 business by the time I had the landfill.

4 Q. How about prior to the time that you took
5 over at Berks landfill?

6 A. I don't know.

7 Q. How about Sherwin-Williams Company. Is that a
8 familiar name to you as a customer of the landfill?

9 A. No.

10 Q. How about Shillington Borough? Is that a
11 familiar name to you as a customer of your
12 landfill?

13 A. No.

14 Q. I asked you before about a Riefsnyder. How
15 about a Sherwood Riefsnyder? Does that name seem
16 familiar to you?

17 A. No.

18 Q. How about the Service Merchandise Store, is
19 that a familiar name?

20 A. No.

21 Q. How about William Shue, S-H-U-E?

22 A. No.

23 Q. Shillington Exxon?

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A. No.

Q. How about Snap-On Tools Corporation?

A. No.

Q. South Mountain Offset, is that a familiar name to you, sir?

A. No.

Q. How about Spott, Stevens and McCoy, Incorporated?

A. No.

Q. I know Spott, Stevens and McCoy to be an engineering consulting firm. Did they have any relationship or involvement in Berks landfill to your knowledge?

A. No, I never heard of them.

Q. How about Springwood Associates, S-P-R-I-N-G-W-O-O-D?

A. No.

Q. How about the Stendig Company, S-T-E-N-D-I-G. Stendig Company or Stendig Incorporated.

A. No.

Q. How about Stroh's Brewery, S-T-R-O-H-'-S Brewery?

1 A. No.

2 Q. Did your landfill ever receive wastes
3 produced by the beverage brewing industry?

4 A. Not to my knowledge.

5 Q. How about any diatomaceous earth?

6 A. What is that?

7 Q. Diatomaceous earth.

8 A. No.

9 Q. It's a product that's used in the filtering
10 of beer and other alcoholic products?

11 A. No.

12 Q. Was your landfill ever used for the disposal
13 of off-specification beverage products?

14 A. No.

15 Q. And what I'm talking about are cans, bottles
16 and other beverage containers.

17 A. Not to my knowledge, no.

18 Q. How about beverage labels?

19 A. Labels?

20 Q. Labels like that might have been either
21 spent or removed from bottles?

22 A. No.

23 Q. Did your landfill ever receive any wastes
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associated with the bottling industry?

A. No.

Q. Did your landfill ever receive any wastes that were a by-product of agricultural processes such as spent or off-specification or otherwise waste grains, hops, barley, wheat?

A. Only those two loads that I told you came from Moyers which was a mixture of feed that they fed the cows that we spread on top of the landfill to grow grass or grow whatever.

Q. How about Sybra, Incorporated, S-Y-B-R-A?

A. No.

Q. T.M. Goldstan, G-O-L-D-S-T-A-N?

A. No.

Q. How about Temple Tire Incorporated?

A. No.

Q. Temple University Hospital?

A. No.

Q. How about the Township of Spring? We talked earlier about the Township of Sinking Spring or the Borough of Sinking Spring.

A. Spring Township, I don't know.

Q. To your knowledge, was the township of

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Spring a customer of your landfill?

A. No.

Q. How about Trom-Reh, T-R-O-M - R-E-H
Sanitation?

A. No, never heard of them.

Q. Turner Home Remodeling?

A. No.

Q. How about U.S. Seating, S-E-A-T-I-N-G?

A. No.

Q. Did your landfill have any customers that
were involved in the business of furniture,
construction or fabrication?

A. Not to my knowledge, no.

Q. How about Globe Industrial, did you have any
customers that were in the business of furniture
manufacture or fabrication?

A. No.

Q. How about the U.S. Steel Corporation, were
they ever a customer of your landfill?

A. No.

Q. United Associated Grocers, does that name
ring a bell?

A. No.

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Q. How about Veteran's Hospital?

A. No.

Q. How about a company known as Vineland
Chemical, V-I-N-E-L-A-N-D?

A. No.

Q. Were you aware of any industries involved in
the production, manufacture or formulation of
chemical products that used your landfill as a
disposal site?

A. No.

Q. How about Voegele, V-O-E-G-E-L-E? I may be
mispronouncing that. Do you have any information
concerning Voegele Company?

A. No.

Q. Weaver's Farm Market?

A. Who was it?

Q. Weaver's Farm Market, W-E-A-V-E-R-'-S Farm
Market. Any information?

A. No.

Q. How about Weidner Plastics Incorporated,
W-E-I-D-N-E-R?

A. No.

Q. Did you have any customers that were

involved in the formulation, manufacture or
fabrication of plastic products in any way?

A. No.

Q. How about any customers that had resins,
plastic resins or other materials used in the
formulation of plastics? Were any of those
customers of your landfill?

A. No.

Q. How about Windsor, W-I-N-D-S-O-R, Service,
Incorporated? Any information about Windsor
Service?

A. No.

Q. Did you have any customers that were in the
business of fabricating electronic products like
telephones, radios, stereo systems?

A. Customers that dumped at the landfill?

Q. Yes.

A. No.

Q. How about companies that were involved in
the manufacture of electronic circuit boards?

A. No, not that I know of.

MR. EMBICK: I have one more list.

Does anybody else have any more questions

1 while I'm searching around here?

2 MR. BARTMAN: Mr. DeMeno, for
3 something completely different, what was
4 your standard day like during operations of
5 the landfill once you purchased it?
6

7 MR. HANN: Let me object. I think
8 the deposition here today is directed to
9 identify additional parties. That's my
10 understanding.

11 MR. EMBICK: My understanding is
12 that the purpose of the deposition was to
13 identify additional PRPs.

14 MR. HANN: Right.

15 MR. BARTMAN: Okay, then I don't
16 have any questions.

17 MR. EMBICK: I mean I have no
18 objection --

19 MR. COOLEY: I intended to ask
20 really the same question, and the reason,
21 Steve, is to try to get a better
22 understanding of the meaning of Mr. DeMeno's
23 answers to questions about whether a
24 particular customer, a hauler, brought in

1 Robert C. DeMeno 288
2 about the operations and things like that.
3 I'm just concerned we're heading in one
4 direction here with identifying additional
5 PRPs, and all of a sudden we're talking
6 about operations and things like that.
7 That's a broad area, and I don't know where
8 you are headed with that.

9 MR. COOLEY: I understand. Well, I
10 was trying to explain where I would be
11 headed.

12 MR. BARTMAN: Why don't you let
13 Seth proceed along the line that he
14 explained.

15 MS. BARNETT: And for the record,
16 so it's clear, there is a whole another
17 scope of questioning that we'll want to
18 embark upon at a later date that we're
19 reserving now with respect to the operation
20 of the landfill. Seth, why don't you
21 proceed.

22 MR. COOLEY: Sure. Mr. DeMeno,
23 following your purchase of the landfill,
24 what was your personal role in onsite

operations?

THE WITNESS: I was there every day as much as I could. I would go up every day and make sure everything was being operated right, and then I would go back to my office and try to run my hauling companies.

MR. COOLEY: Does the description you just gave apply to the entire period of your ownership and operation of the landfill after the purchase, or does that only apply to a limited part of your ownership and operation?

THE WITNESS: It was my whole entire ownership.

MR. COOLEY: Do I understand from your description that during the entire time you owned and operated the landfill, you spent a part of your days at your business office in Skippack?

THE WITNESS: Yes.

MR. COOLEY: How much of your average day did you spend at Skippack and how much of your average day did you spend

at the landfill?

THE WITNESS: Probably 50/50. Half the time at Skippack and half the time at the landfill.

MR. COOLEY: Was that 50/50 split comprised of two time chunks, or were you going back and forth and back and forth with some frequency?

THE WITNESS: Sometimes I made a couple trips a day.

MR. COOLEY: And that's an average. Am I correct that's an average estimate?

THE WITNESS: Yes.

MR. COOLEY: Were there days when you did not go to the landfill at all?

THE WITNESS: There may have been a few, yes.

MR. COOLEY: Were there days where for business purposes, not vacation, for example, you were neither at your office nor at the landfill?

THE WITNESS: Yes.

MR. COOLEY: Was that for sales

visits and the like?

THE WITNESS: Maybe a meeting with DER that would take a whole day.

MR. COOLEY: How about your Globe Industrial business, did that take you out of your office to places other than the landfill?

THE WITNESS: Not usually, no. Sometimes.

MR. COOLEY: Of the time that you spent at the landfill, can you describe where at the landfill you would spend that time?

THE WITNESS: Sometimes on the landfill, sometimes at the office. At the landfill, there's a scale house. Sometimes we wanted to buy some new equipment, and talking to the equipment dealers to purchase equipment.

MR. COOLEY: How much of the time that you spent at the landfill on average did you spend either at the way station scale house or on the landfill itself as

opposed to in the office or dealing with vendors or things of that nature?

THE WITNESS: I spent a lot of time on the landfill. A lot of times we had the geologist there, the engineers, and we walked the landfill quite a bit.

MR. COOLEY: So I take it that your time on the landfill was not necessarily time spent observing dumping of trash but instead other things?

THE WITNESS: I had other people that did that.

MR. COOLEY: And those other people were responsible for directing trucks to certain parts of the landfill to dump and things of that sort?

THE WITNESS: Yes.

MR. COOLEY: You did not engage in that activity?

THE WITNESS: No.

MR. COOLEY: When you spent time at the scale house, what did you do there?

THE WITNESS: I don't remember

1
2 offhand what I did. I didn't do a whole lot
3 there, just observed things that went on
4 there and that was it.

5 MR. COOLEY: What went on there,
6 just so I have an understanding of what the
7 scale house operations involved, am I correct
8 that essentially trucks would pull up on the
9 scale, the weighmaster would read the scale
10 and record the weight, and then the truck
11 would move on, and that's essentially what
12 happened at the location?

13 THE WITNESS: Well, if there was an
14 open truck, the scale master would go out
15 and check the load before it went up. And
16 we had walkie-talkies from the office to
17 operators at the landfill. And if there was
18 a problem, they would tell them, "There's a
19 truck coming up, I can't see anything." And
20 then they opened up the door to check it and
21 see what's in it before he dumped it. If
22 there's a problem, send it back down.

23 MR. COOLEY: The office that you
24 mentioned, that's the scale house office?

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THE WITNESS: Yes.

MR. COOLEY: That kind of conversation would occur if the truck was closed?

THE WITNESS: No, closed, the scale master wouldn't see what was in it until it got up to the landfill and then they would check it up there.

MR. COOLEY: I'm confused. I thought the scale master would walkie-talkie up to the landfill to say, "I can't see what's in the truck, check it when the truck gets up there".

THE WITNESS: That would be an open truck. The closed truck, they know they can't see it, so they would automatically go up to the landfill and then those fellows up there would check it and call back to the scale and say either reject the load or whatever, dump it or whatever.

MR. COOLEY: Some open truck loads were more visible than others?

THE WITNESS: Right.

MR. COOLEY: Did you ever as a part of your routine and your responsibilities inspect the contents of open trucks at the weigh house or scale house?

THE WITNESS: Very seldom.

MR. COOLEY: Mr. Embick asked you a host of questions about individual haulers and individual customers of haulers. And he often asked you whether any of those haulers were turned away or their materials had to be re-collected after they were dumped. And you answered those questions for those specific haulers. Let me just ask you generally. Based on your recollection sitting here today, what haulers do you recall being turned away?

THE WITNESS: The only ones I would have a record of would be the Disposal World loads. We turned away a couple of O'Haras. And I think we turned away one or two of Clements Brothers.

MR. COOLEY: When you say turning them away, you mean at the gate or at the

scale house as opposed to after dumping?

THE WITNESS: I couldn't tell you that at this point. I imagine it was when they got up to the landfill and they checked it up there. And they turned them around and sent them back. You would have a slip probably in there when they did that. If they were turned away at the scale house, you wouldn't even have a slip. If they were turned away at that point, I wouldn't know who that would be at this point.

MR. COOLEY: So the ones that you just mentioned, do I understand those are haulers who made it to the landfill?

THE WITNESS: Right.

MR. COOLEY: Do you know whether they dumped any loads and had to pick them back up, or were they turned away prior to dumping?

THE WITNESS: Most of the time once they started pushing the load out, if something came out that they didn't think was right, they would make them stop, pull

1
2 the load back and then re-load it back into
3 their truck and then have them take it out.

4 MR. COOLEY: Could you just in a
5 brief way describe for us what the wastes
6 were that were turned away in each of the
7 examples?

8 THE WITNESS: Some of it was
9 medical waste. Clements, we had found a
10 couple 55-gallon drums that were full. We
11 didn't know what was in them, I don't think,
12 at that point. But I was called and told
13 that. I told them to put it back in the
14 truck and send them out of there.

15 MR. COOLEY: Did those drums leak
16 or release at all before --

17 THE WITNESS: They didn't dump them
18 off. They saw them when they opened the
19 door.

20 MR. COOLEY: Any other specific
21 wastes that you can recall?

22 THE WITNESS: Off the top of my
23 head, no.

24 MR. COOLEY: The drums were

1
2 Clements, the medical wastes were associated
3 with which hauler?

4 THE WITNESS: Disposal World,
5 O'Hara. And O'Hara, I think, well, I know
6 had rectified the problem, because I told
7 them that Disposal World was no longer
8 bringing us waste to the landfill, he was
9 dumping it at the transfer station and it
10 was coming up anyhow. So then they stopped
11 him from dumping that at the transfer
12 station.

13 MR. COOLEY: Was the entire
14 landfill opened when you purchased it, or
15 was any portion of it closed?

16 THE WITNESS: Well, there was an
17 old landfill that was closed for maybe ten
18 or twelve years before I purchased it.
19 That's on the other side of where we were
20 dumping. We would be dumping say here, and
21 this was on the other side of the landfill.

22 MR. COOLEY: Was there any dumping
23 that took place on that old portion of the
24 landfill after you purchased it?

THE WITNESS: No.

MR. COOLEY: Within the area of what I'll call the new landfill where dumping was occurring after your purchase, were there any portions designated for particular types of wastes to be disposed?

THE WITNESS: No, not where the trash went. We had a demolition dump, they called it, that Lombardo had started there where wood, bricks and stuff like that would be dumped. And that was away from the landfill itself.

MR. COOLEY: Was that known as the wood dump?

THE WITNESS: The wood dump, yes.

MR. COOLEY: And that continued to be used after your purchase?

THE WITNESS: Yes.

MR. COOLEY: And demolition wastes were dumped there?

THE WITNESS: Not demolition waste. It was contractor waste, you know, two-by-fours, wooden boxes or whatever. It

1
2 would be crushed and maybe a load of,
3 partial load of bricks with some
4 two-by-fours, something like that.

5 MR. COOLEY: Construction wastes?

6 THE WITNESS: Construction wastes.

7 MR. COOLEY: But no demolition
8 wastes at all, or some demolition wastes --

9 THE WITNESS: No, we never did --
10 mostly it was small loads of -- people did
11 remodeling jobs in their homes and they
12 brought in that type of stuff. We didn't
13 have too much, we had no demolition waste
14 come in where they would tear a building
15 down or something like that, no.

16 MR. COOLEY: Did you ever hear of
17 something called Stabitol?

18 THE WITNESS: Yes.

19 MR. COOLEY: What does that word
20 mean to you?

21 THE WITNESS: We knew about that,
22 it was in the old landfill. They put that
23 in, I don't know what year. It was
24 supposed to be a slurry that they put in a

1
2 cement mixture. This Stabitol, that's what
3 they did, neutralized this material and put
4 it in this old landfill.

5 MR. COOLEY: Do you know
6 anything about the wastes that were
7 mixed with the slurry in that location?

8 THE WITNESS: I heard it came from
9 CarTech. It was a foundry dust or something
10 that they mixed with cement.

11 MR. COOLEY: Any other wastes that
12 you recall?

13 MR. HANN: If you are going to
14 start getting into individual defendants,
15 you know --

16 MR. COOLEY: No, I'm not asking,
17 Steve, specifically about them. That came
18 out unexpectedly.

19 MR. HANN: Okay.

20 MR. COOLEY: I'm asking about the
21 area of the landfill, the types of wastes,
22 not individual parties. Do you recall
23 anything else about the Stabitol area in
24 terms of type of waste?

1 THE WITNESS: No. It wasn't put in
2
3 there when I was there.

4 MR. COOLEY: I understand that.

5 THE WITNESS: It was when Lombardo
6 was there. So I don't know what the waste
7 was. All I knew, it was supposedly
8 neutralized and put in there. It was okayed
9 by DER.

10 MR. COOLEY: There were DER
11 inspections of the landfill while you owned
12 and operated it, I assume?

13 THE WITNESS: Yes.

14 MR. COOLEY: Were there any notices
15 of violation or other inspection reports
16 that -- let me finish the question and then
17 you can decide whether you want to object --
18 that identified wastes being accepted by the
19 landfill that should not have been accepted?

20 THE WITNESS: Not to my knowledge.

21 MR. COOLEY: Were there any fires
22 at the landfill?

23 THE WITNESS: Yes.

24 MR. COOLEY: Were there any

1
2 particular waste types that were identified
3 as being the cause of those fires?

4 THE WITNESS: No, it was a piece of
5 equipment that caught on fire.

6 MR. COOLEY: Just one fire that you
7 know of or more than one?

8 THE WITNESS: Just one that I know
9 of.

10 MR. COOLEY: Do you know when that
11 was?

12 THE WITNESS: It was in the very
13 beginning. It was a piece of equipment I
14 bought from Lombardo that had a hydraulic
15 hose leak, and it hit the engine and caught
16 the thing on fire.

17 MR. COOLEY: Were there any
18 incidents resulting in injury or sickness of
19 persons, whether they were site workers or
20 haulers, resulting in workers comp claims or
21 any kind of complaint associated with a
22 particular waste type at the landfill?

23 THE WITNESS: No.

24 MR. COOLEY: You mentioned

remembering two loads being disposed of by Gambone Brothers. That was one of the companies that Mr. Embick asked you about.

THE WITNESS: Yes.

MR. COOLEY: And you said there were only two loads. I think it was construction debris?

THE WITNESS: Yes.

MR. COOLEY: Is there a reason why you have a particular recollection of the Gambone Brothers' two loads?

THE WITNESS: I went through this to get to that list that I made up for Steve.

MR. COOLEY: "This" being DeMeno 2, Exhibit 2, just for the record?

THE WITNESS: I guess.

MR. HANN: Let's go off the record.

(Discussion off the record.)

MR. COOLEY: Mr. DeMeno, in answer to a number of Mr. Embick's questions about particular haulers and their customers, you responded that the wastes were municipal

1
2 waste or trash. And you earlier gave your
3 definition of municipal waste. My question
4 for you is in giving those answers that it
5 was municipal waste coming into the site,
6 whether you made that statement based on
7 personal knowledge or based on assumption as
8 to what was in the loads?

9 THE WITNESS: All my men were
10 instructed to take municipal waste only.
11 And 99 percent of the trash that we dumped
12 at that landfill was municipal waste. The
13 one percent I can't guarantee. But I know
14 that 99 percent of the trash that went in
15 there was municipal waste because I had men
16 there watching it, and they would turn it
17 away if it wasn't.

18 MR. COOLEY: Is there an average
19 weight per cubic yard of municipal waste to
20 your knowledge?

21 THE WITNESS: It depends on the
22 weather. That has a lot to do with it. If
23 it rained the day before or two days before
24 and it got into the container or whatever,

1
2 it would weigh more.

3 MR. COOLEY: Is there a range of
4 weights of municipal waste that you could
5 identify for us associated with particular
6 size trucks? For example, a 13-yard packer
7 or a 25-yard packer, you would expect to see
8 weigh in coming between "X" pounds and "Y"
9 pounds. Is that something you are
10 conversant in or familiar with?

11 THE WITNESS: No, it would depend
12 on the type of trash that they were hauling.
13 If it was cardboard, light paper, it would
14 weigh less. If it was heavier boxes or if
15 it was wooden boxes, it would be a different
16 weight.

17 MR. COOLEY: Can you identify a
18 range associated with residential trash,
19 curbside? And I'm not talking about a
20 particular load or truck, but rather on
21 average, the range would generally be
22 between "X" and "Y" for a certain size
23 packer truck?

24 THE WITNESS: Normally it would

Original 307
(Red)
Robert C. DeMeno

probably range from a half a ton to a ton per yard, somewhere in that neighborhood.

MR. COOLEY: During your period of ownership and operation of the landfill, who were your five or six biggest volume customers?

THE WITNESS: Off the top of my head, I don't know.

MR. COOLEY: Your top one or two?

THE WITNESS: B.F.I., Globe, O'Hara. That's four.

MR. COOLEY: Can you identify the contact persons with those four?

THE WITNESS: The contact persons for what?

MR. COOLEY: Persons with whom you dealt.

THE WITNESS: I can't remember the names. Mike Berlin was B.F.I. I would have been Globe. Pat O'Hara, Bill O'Hara for O'Hara. What was the other one I gave you?

MS. BARNETT: I think you only gave three.

THE WITNESS: Three, was it? I
said four.

MR. EMBICK: Did you not say
Disposal World?

THE WITNESS: No.

MR. COOLEY: I recognize you
weren't involved in ownership or operation
when Mr. Lombardo owned the landfill, but
based upon information you may have learned
from whomever or wherever, do you have any
knowledge about Mr. Lombardo's five or six
biggest customers?

THE WITNESS: No, I don't.

MR. COOLEY: Did you learn anything
about non-municipal wastes received at the
landfill while Mr. Lombardo owned it other
than the Stabitol area which we've already
addressed?

THE WITNESS: I didn't learn about
it until two-and-a-half years into the
thing.

MR. COOLEY: "Into the thing" being
your ownership?

THE WITNESS: My ownership, right.

MR. COOLEY: What caused you to learn something about wastes accepted by Mr. Lombardo?

THE WITNESS: Do you want me to keep answering these questions?

MR. HANN: Yes.

THE WITNESS: I was walking out of court one day where DER was a witness for us.

MR. COOLEY: Why don't we go off the record.

(Discussion off the record.)

MR. COOLEY: Let me ask you a different question, Mr. DeMeno. Was there ever an occasion during your ownership and operation of the landfill that any medical wastes or red bag wastes were disposed of or found to be present at the landfill?

THE WITNESS: Only the last time we had the -- any time we found it, it was reloaded back into the truck that it came in and it was taken out. I don't know

1 what they did with it after that, but it was
2 not dumped at the landfill, no, or did not
3 stay at the landfill. Let's put it that
4 way.
5

6 MR. COOLEY: Thank you very much.

7 (There was a recess from 4:58 p.m.
8 until 5:05 p.m.)

9 MR. HANN: Mr. DeMeno wanted to
10 clarify one thing for the record.

11 THE WITNESS: What I meant by
12 99 percent of the trash going into the
13 landfill was household trash, that one
14 percent I left open because I can't be sure.
15 Do you know what I'm saying? We checked
16 every load, but there could have been
17 something that slipped by. Who knows? I
18 don't know.

19 MR. HANN: But there wasn't as far
20 as you know?

21 THE WITNESS: There wasn't that I
22 know of, no.

23 MR. EMBICK: I'm just about
24 finished.

BY MR. EMBICK:

A. Mr. DeMeno, are you familiar with a company known as Birdsboro Steel Foundry and Machine Company?

A. No.

Q. How about a company known as Building Industries Exchange. Is that a familiar name to you?

A. No.

Q. How about Ciba Geigy Corporation?

A. Who?

Q. Ciba Geigy, C-I-B-A G-E-I-G-Y?

A. No.

Q. How about a company known as Contractors Painting Service. Is that a familiar name to you?

A. No.

Q. How about Decorative Specialties International; is that a familiar name?

A. No.

Q. How about Keif Industries Incorporated, K-E-I-F?

A. No.

Q. How about GAI-Tronics Corporation?

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A. I didn't get that first part.

Q. G-A-I dash Tronics, GAI-Tronics.

A. No.

Q. How about Fusion Coatings Incorporated?

A. No.

Q. How about H&L Concrete or H&L Mobile
Concrete?

A. No.

Q. How about J.W. Zaprazny, Z-A-P-R-A-Z-N-Y?
Does that sound like a familiar name to you?

A. No.

Q. How about Medlar Electric, M-E-D-L-A-R?

A. No.

Q. How about Mored, Incorporated, M-O-R-E-D?

A. No.

Q. Northside Aviation, Incorporated?

A. No.

Q. Did your landfill ever serve as a disposal
location for wastes that were generated by
airports, airfields or airport repair companies?

A. No.

Q. How about Pendora Tool and Die Company,
P-E-N-D-O-R-A?

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2 A. No.

3 Q. How about Schnek Incorporated, S-C-H-N-E-K?

4 A. No.

5 Q. How about T/A Master Design?

6 A. No.

7 Q. Victus Limited, V-I-C-T-U-S?

8 A. No.

9 Q. In going through this lengthy, lengthy list
10 of companies that may have been associated in some
11 way with disposal of wastes at the landfill, has
12 your memory been refreshed in any way as to the
13 identity of possible customers of your landfill?
14 Do you remember any customers or any hauling
15 companies that may have used the landfill?

16 MR. HANN: Object as to form.

17 Q. Have I refreshed your recollection as to any
18 new companies or persons or entities that may have
19 used the landfill for disposal of wastes?

20 A. No.

21 MR. EMBICK: I have nothing
22 further. Thank you very much.

23 THE WITNESS: Thank you.

24 BY MS. BARNETT:

1
2 Q. Mr. DeMeno, I have a couple of very, very
3 short questions. This is just sort of, by the way,
4 if you'll forgive the pun, cleanup. Globe
5 Industrial is a corporation; is that correct?

6 A. It was, yes.

7 Q. And it was incorporated in 1977; is that
8 right?

9 A. Yes.

10 Q. Was it a Pennsylvania corporation, if you
11 recall?

12 A. It was a Pennsylvania corporation, yes.

13 Q. And was it Mr. Kilcoyne who helped you set
14 up Globe?

15 A. I believe so, yes.

16 Q. You said Globe was. Is it now dissolved?

17 A. I believe it is, yes.

18 Q. Was it dissolved after you sold the assets
19 to O'Hara?

20 A. I believe so.

21 Q. And would it have been Mr. Kilcoyne who
22 would have done the actual paper work to dissolve
23 the corporation?

24 A. No, I don't think it was.

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Q. Do you know who did it?

A. It was either him or Terry Heaney. I don't know which one.

Q. You told us the last time that your daughter, Dana, lives in Pottstown. Is your son living in the area?

A. Yes.

Q. And is he in the trash business?

A. No. Can I clarify something?

Q. Sure.

A. My son, when he worked for Globe, was a mechanic for Globe. When he worked at the landfill, he was a mechanic for the landfill. The only time he was anywhere else was if we had a man that didn't show up that day or something like that. But he did mostly mechanic work.

Q. When you say mechanical, he worked on the trucks; is that right?

A. Right.

MS. BARNETT: Those are all the questions I have at the moment. We have additional areas of inquiry that we're going to want to ask you about at another time,

1
2 Mr. DeMeno. I'd like to put on the record
3 the request that I made before and the
4 agreement that I have reached with Mr. Hann,
5 your lawyer, that within three weeks time,
6 Mr. Hann will give me a response on our oral
7 request last time for the trust documents
8 that you testified about. My understanding
9 is that the proceeds of the O'Hara sale were
10 placed in a trust in roughly 1987, and we
11 have requested those documents. We have
12 other follow-up questions that we would like
13 to ask of you, Mr. DeMeno, at that time, but
14 for the moment -- Mr. Hann, is that an
15 accurate reflection of our agreement?

16 MR. HANN: Yes, we are taking that
17 into consideration and we will get back to
18 you.

19 MS. BARNETT: Fair enough. That's
20 all I have. Thank you very much for your
21 patience.

22 BY MS. MOONEY:

23 Q. I have a couple quick questions, Mr. DeMeno,
24 just to clarify something that we had talked about

1
2 last time and that Mr. Cooley touched on very
3 briefly. You earlier testified that back in 1984,
4 '85, you actually investigated Disposal World and
5 followed them because you believed that perhaps
6 they were picking up medical waste. Is that
7 correct?

8 A. Yes.

9 Q. And you in fact found that they were picking
10 up medical waste from, I think you said, two or
11 three hospitals, one being the University of
12 Pennsylvania?

13 A. One was the University of Pennsylvania, yes.

14 Q. And you also testified that once you
15 determined that that was going on, you then warned
16 Disposal World about not bringing medical waste and
17 to insure that that did not happen.

18 A. Well, I did that mainly to bring these
19 hospitals in on the case. That's why I followed
20 his trucks to see where he picked up at.

21 Q. So that was the impetus for you following
22 him to find out where he was picking up. It was
23 the case that you had?

24 A. Yes.

1
2 Q. And how long had Disposal World been coming
3 to Berks before you did that, initiated that
4 investigation?

5 A. From the day we took over the landfill. So
6 it would be January 15th of '84.

7 Q. And do you have any recollection of about
8 when you followed him, how soon after that?

9 A. I don't remember.

10 Q. And I know you said that you were then,
11 after that I believe you testified that you were
12 sure that no medical waste got in. How about
13 before the point at which you followed the Disposal
14 World trucks and determined that they were for sure
15 going to medical facilities and hauling medical
16 waste?

17 A. We found the medical waste in the trucks
18 before I followed his trucks. I just wanted to see
19 where it was coming from. We tried to get some
20 labels to see where it was from.

21 Q. So is it possible then that some medical
22 waste actually was dumped and not retrieved before
23 the point at which you followed him?

24 A. No.

MS. MOONEY: Thank you,
that's all I have.

MR. EMBICK: Any other questions?
(There was no response.)

MR. EMBICK: Just one other thing I
wanted to bring up with you, Steve. And
that is, I still am awaiting your designation
of privileged documents with respect to
records that I saw at Cohen, Shapiro.

MR. HANN: Right.

MR. EMBICK: And when I receive
that, I may have some additional questions
oriented toward the identification of
additional PRPs. So my understanding is I'm
reserving my right to come back and
reschedule Mr. DeMeno to ask questions
designed to get at the identity of
additional PRPs after you've designated your
confidential or privileged documents.

MR. HANN: We'll take that into
consideration.

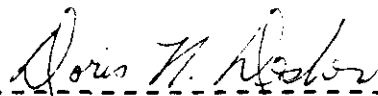
(Witness excused.)

(The deposition concluded at 5:20 p.m.)

C E R T I F I C A T E

I, Doris N. Desher, do hereby
certify that pursuant to notice at the time stated
hereinabove, and being carefully examined, the said
witness thereupon testified as is hereinabove
shown; and that the testimony of the said witness
was reduced to written form fully and accurately
under my personal supervision; and that this is a
true and correct transcript of same.

I further certify that I am neither
an attorney nor counsel of any of the parties in
said cause, nor a relative or employee of any
attorney or counsel employed by the parties hereto,
nor financially interested in the event of said
cause.



Doris N. Desher
Court Reporter - Notary Public

SIGNATURE PAGE

I have read the foregoing deposition
and the answers given by me are true and correct,
to the best of my knowledge and belief.

ROBERT C. DeMENO

Witness to signature

Address

SEAL

My commission expires



EXHIBIT

DM-12
3-20-86

ORIGINAL
(RED)

March 28, 1984

Mr. Bob De Meno
P.O. Box 37
Lucon Road
Skippach, Pennsylvania 19474

Dear Bob:

Enclosed are two fully executed copies of the Subcontract Disposal Agreement together with a check for \$100,000.00.

As discussed with Jack Kilcoyne, the last page (pages to the Bond and Mortgage) of both copies (4 in all) must be initialed by you to reflect agreement on the mistake made there (pages are clipped where initials required).

After initialing, give one copy back to Mike Berlin, keeping one for yourself.

Thank you for your cooperation.

Sincerely yours,

Cabell B. Carlan
Regional Counsel

CBC:deb

Enclosures

cc: Jack Kilcoyne
Bill Wolfram
Mike Berlin

COMPANY
004872



Browning-Ferris Industries

SUBCONTRACT DISPOSAL AGREEMENT

ORIGINAL
(RED)

This Agreement entered into as of this 28 day of MARCH 19 84 by and between

RKS SANITARY LANDFILL, INC. a PA. corporation (hereinafter referred to as the "Contractor"), and
(insert name of subcontractor)

BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC., a PA. corporation (hereinafter referred to as the "Company").
(insert name of BFI Subsidiary)

for the purpose of the disposal of certain designated wastes.

ARTICLE I — DESIGNATED WASTES. Contractor agrees that it will accept and the Company agrees that it will deliver, pursuant to the terms of this Agreement, waste material set forth in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter said waste shall be collectively referred to as the "Waste Material"). Contractor shall process and/or dispose of such Waste Material in a safe manner and in a manner which will not create a risk of harm to public health or the environment.

ARTICLE II — DISPOSAL INDEMNITY. After acceptance by Contractor of Waste Material, the Company shall be relieved from any further obligation with regard to its processing and/or disposal and Contractor will indemnify and hold the Company harmless from any and all damages, penalties, costs and expenses which may reasonably be incurred by or imposed upon the Company as a result of Contractor's processing and/or disposal of the Waste Material.

ARTICLE III — TITLE. The Company agrees that upon the delivery to Contractor of the Waste Material described in Exhibit "A" by either the Company or its agent, title to such Waste Material shall pass to Contractor.

ARTICLE IV — SERVICES AND EQUIPMENT. Contractor will provide the services and equipment as set forth in Exhibit "B" attached hereto and incorporated herein by reference for the processing and/or disposal of the Waste Material. Contractor warrants that it has all federal, state and local permits required to perform the work contracted for herein.

All equipment and facilities provided by Contractor used to store, process and/or dispose of the Waste Material pursuant to this Agreement shall comply with all applicable federal, state and local laws, rules, regulations and permits, provided that such compliance shall in no way remove any liability either party assumes elsewhere in this Agreement.

ARTICLE V — SPECIAL EQUIPMENT. If Contractor is required to provide any special equipment in order to perform the work provided for in this Agreement which is not listed in Exhibit "B", Contractor and Company shall agree in writing, prior to its use, as to the equipment and the fee for such equipment.

ARTICLE VI — COLLECTION, TRANSPORTATION AND DISPOSAL RATES. The rate for processing and/or disposal of the Waste Material shall be at the rate shown in the schedule set forth in Exhibit "C" attached hereto and incorporated herein by reference.

ARTICLE VII — MEANS OF DISPOSAL. All Waste Material will be processed and/or disposed of by the means designated at the sole discretion of the Contractor, with the prior consent of the Company, and in compliance with all local, state and federal laws governing the processing and/or disposal of such Waste Material.

ARTICLE VIII — DISPOSAL AREA. All processing and/or disposal areas shall be such that the location shall be easily accessible to the Company. The Contractor shall bear all expenses in making these locations easily accessible.

ARTICLE IX — INDEPENDENT CONTRACTOR. The work and labor herein provided for shall be performed and furnished by Contractor as an independent contractor and under the sole supervision, management, direction and control of Contractor in accordance with the terms and conditions of this Agreement. All work will be completed in good and workmanlike manner and in compliance with the Federal Occupational Safety and Health Act of 1970, as amended, rules and regulations thereunder, and any similar state or local law or regulation applicable to Contractor. Contractor further agrees that the work to be performed by Contractor shall be subject to inspection by, and shall meet with the approval of, the Company's engineers or designated representatives, but that the detailed manner and method of doing same shall be under the control of Contractor. In the event Contractor fails to commence said work within the time specified, or having begun said work abandons it for any reason, suspends or refuses to continue it, or defaults in any manner in the performance under the terms of the Agreement for a period of five (5) days (unless Contractor is prevented from continuing for reasons beyond his control), the Company shall have the right to take over said work and complete it or have said work completed by another in any reasonable manner at Contractor's expense.

ARTICLE X — FORCE MAJEURE. Neither party hereto shall be liable for its failure to perform hereunder due to contingencies beyond its reasonable control, including, but not limited to, strikes, riots, war, fire, acts of God, compliance with any law, regulation or order, whether valid or invalid, of the United States of America or any other governmental body or any instrumentality thereof, whether now existing or hereafter created.

ARTICLE XI — ASSIGNMENT. This Agreement is assignable with the written consent of both parties and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Such consent shall not be unreasonably withheld, nor required in the event of assignment by operation of law.

ARTICLE XII — SAVINGS CLAUSE. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or

affect any other provisions of this Agreement, this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

ARTICLE XIII — INSURANCE. Contractor agrees to furnish, upon request, certificates attesting to the existence of Workmen's Compensation insurance providing statutory benefits and automobile and general liability insurance with policy limits of not less than \$500,000 each person, \$5,000,000 each occurrence for bodily injury and \$5,000,000 each occurrence for property damage liability. Each such certificate shall contain a statement of the insurer's obligation to notify the party to whom the certificate is addressed at least ten (10) days prior to cancellation of any policy covered thereunder.

ARTICLE XIV — PAYMENT. The Company agrees to make payment within thirty (30) days after receipt of the Contractor's statement at the office of Contractor specified on each invoice, pursuant to terms set forth in Exhibit C.

ARTICLE XV — INDEMNITY. The Contractor hereby agrees to indemnify and hold Company harmless from and against any and all loss, damage, suit, liability and expenses (including, but not limited to, reasonable investigation and legal expenses) arising out of any claim for loss of or damage to property, including Company's property, and injuries to or death of persons, including Contractor's or Company's employees, caused by, resulting from, growing out of, or incidental to the work performed under this Agreement, including, but not limited to, damages caused by asbestos pollution and shall, at the option of Company, defend Company at the Contractor's sole expense in any litigation involving the same, regardless of whether such work is performed by Contractor, its employees, or by its subcontractors, their employees, or all or any of them, provided, however, that such indemnification and hold harmless shall not apply to claims for loss, damage, injury or death (other than loss of, or damage to or loss of use of Contractor's property) if caused by the sole negligence of Company.

ARTICLE XVI — MANIFESTS. Accompanying all monthly invoices for services rendered pursuant to this Agreement, Contractor shall provide Company with copies of all completed and executed documents related to all Waste Material generated, received, transported, disposed of or treated by Contractor for Company for the period covered by the invoice. These documents shall include, but not be limited to, all manifests, trip tickets, shipping papers, etc. required by all applicable federal, state and local laws, rules, regulations, permits, etc.

ARTICLE XVII — AUDITS. Company or its duly authorized representative shall have access, at all reasonable times, to all permits and permit applications required by all applicable federal, state and local authorities for the work to be performed hereunder, as well as all books, records, correspondence, instructions, plans, drawings, receipts, vouchers and memoranda of every description pertaining to the work to be performed hereunder, for the purpose of auditing and verifying Contractor's performance of his obligations hereunder and Contractor's costs or charge for the performance of these obligations. Contractor agrees to write the necessary provisions in his contracts with all subcontractors that will assure access by Company's employees or representatives to all such similar records of said subcontractors. Contractor shall preserve and shall cause its subcontractors to preserve for a period of three years after the performance of the work contracted for hereunder, all the above mentioned documents.

ARTICLE XVIII — NOTICES. Notices of conditions or situations affecting the processing and/or disposal of Waste Material shall be given in writing hereto designated operating personnel of the Company and Contractor. All other notices shall be given in writing to the parties at their respective addresses shown above.

(See Addendum)
ARTICLE XIX — TERM. Except as otherwise provided herein, the initial term of this Agreement shall be for a period of year(s) from the date hereof and shall continue thereafter until terminated as hereinabove provided. Contractor and the Company shall have the right to terminate this Agreement after the initial year term at any time without cause, upon thirty (30) days written notice to the other or upon written notice for such longer period as they shall agree upon.

(See Addendum)
ARTICLE XX — AMENDMENT. This Agreement may be amended from time to time only by an instrument in writing signed by the parties to this Agreement at the time of such amendment.

Executed as of the day and year first above written.

CONTRACTOR Robert W. Miller Pres.

By W. S. W. J. COMPANY 004873

By W. S. W. J.

ORIGINAL
(RED)

A D D E N D U M

to

Subcontract Disposal Agreement

dated: 3/28/84

between

BERKS SANITARY LANDFILL, ("Contractor")
INC.

and

BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC. ("Company")

The following terms and conditions shall be considered part of and incorporated into the above-named Agreement:

ARTICLE XIX - TERM. The term of this agreement shall be for that period commencing on April 1, 1984 and continuing through December 31, 1986 unless terminated earlier or extended pursuant to the conditions of this agreement.

Company shall have the option to extend the term of this Agreement for two additional one-year periods (January 1, 1987 through December 31, 1987 and January 1, 1988 through December 31, 1988). To be entitled to so extend the term, Company shall provide written notice(s) of its election to the Contractor no later than December 15, 1986 and December 15, 1987 for each extension, respectively.

ARTICLE XX - CONDITION TO OBLIGATIONS. The obligations of the parties hereunder are subject to the existence of that certain agreement between Company and the City of Allentown, Pennsylvania ("City") dated January 20, 1984. In the event that such agreement ceases to be in effect for whatever reason, neither party shall be liable for its failure to perform hereunder.

CONTRACTOR

By:

[Signature]

Date:

3/22/84

COMPANY

By:

[Signature]

Date:

3/28/84

COMPANY
004874

EXHIBIT A

to

Subcontract Disposal Agreement

dated: 3/28/84

between

BERKS SANITARY LANDFILL, INC ("Contractor")

and

BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC. ("Company")

The Waste Material referred to in Article I of the above-mentioned Agreement shall be conventional household and commercial rubbish including; paper, rags, boxes, clothing, Christmas trees, prunings, lawn trimmings, grass, metals, cans, dirt, glass, crockery, ashes, paper cartons, wooden boxes, plastics, furniture, mattresses, water heaters, screens, floor covering from residences, metal beds and bed springs, discarded household appliances and utensils, toys and any and all other inflammable and non-flammable waste materials which result from the ordinary conduct of housekeeping; and other waste which may lawfully be disposed by Contractor.

Company agrees to deliver to Contractor and Contractor agrees to accept and dispose of the following amounts of Waste Material during the periods specified.

<u>PERIOD</u>	<u>AMOUNT OF WASTE</u>
04/01/84 through 03/31/85	no less than 40,000 cubic yards nor more than 90,000 cubic yards
04/01/85 through 03/31/86	no less than 40,000 cubic yards nor more than 90,000 cubic yards
04/01/86 through 12/31/86	not less than 30,000 cubic yards nor more than 67,500 cubic yards

In the event that less than the minimum amounts of Waste Material are delivered by Company for any of the specified periods, the Company shall nevertheless pay Contractor an amount equal to that determined by multiplying the then applicable rate by the number of cubic yards which were not delivered to meet such minimum requirement during the applicable period. Such payment shall be paid within 30 days after receipt of the Contractor's statement therefor.

CONTRACTOR

By: John J. Williams Pres.

Date: 3/22/84

COMPANY

By: W. J. W. C.

Date: 3/28/84

COMPANY
004875

ORIGINAL
(RED)
100-11
(207)

ORIGINAL
(RED)

EXHIBIT B

to

Subcontract Disposal Agreement

dated: 3/20/84

between

BERKS SANITARY LANDFILL, INC. ("Contractor")

and

BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC. ("Company")

The services and equipment to be provided by Contractor under this Agreement shall consist of the following: All equipment and services necessary to properly and lawfully dispose of the Waste Material.

Contractor agrees to operate its facilities and equipment during the hours, on days, and in such manner as shall reasonably, practically, and efficiently enable Company to fulfill its obligations under the Agreement for disposal of the Waste Material.

CONTRACTOR

By:

Robert P. DeMura Pres.

Date:

3/22/84

COMPANY

By:

N2/K 3/

Date:

3/29/84

COMPANY
004876

EXHIBIT C

to

Subcontract Disposal Agreement

dated: 3/28/84
between

BERKS SANITARY LANDFILL INC. ("Contractor")
and

BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC. ("Company")

The rates for disposal of Waste Material under this Agreement shall be as follows:

<u>PERIOD</u>	<u>RATE</u>
04/01/84 through 03/31/85	\$2.90/cu. yd.
04/01/85 through 03/31/86	\$3.25/cu. yd.
04/01/86 through 12/31/86	\$3.50/cu. yd.
01/01/87 through 12/31/87*	\$4.50/cu. yd.
01/01/88 through 12/31/88*	\$5.50/cu. yd.

*if the term is so extended pursuant to this Agreement

The Company shall make a One Hundred Thousand Dollar (\$100,000.00) prepayment prior to April 1, 1984, to be credited against disposal fees until that prepayment is exhausted, on the following schedule:

During the first 12 months of the term of this Agreement, up to \$50,000 (of the \$100,000 total) shall be credited against disposal charges for disposals made during the months of May, July, September and November of 1984 and January and March, 1985. Thereafter, the remaining \$50,000 credit shall be credited against disposal charges for disposals made during the months of May, July, September, November of 1985, and January, March, May, July, September, and November, 1986.

In the event of termination of this agreement for any reason or, in any event disposal fees as of December 31, 1986 have not been incurred by the Company for the total of the \$100,000 prepayment, the Contractor shall repay any unused portion of the prepayment to the Company within thirty (30) days of the date of the termination or January 31, 1987, as the case may be.

Insofar as Contractor will have been advanced funds, a portion of which until fully credited against disposal charges to Company constitutes an indebtedness to Company, Contractor agrees to secure the payment of such indebtedness by granting and conveying to Company a second mortgage on the landfill property described by attached legal description, Exhibit "D", in the form attached as Exhibit "E".

CONTRACTOR

BY: Robert J. McNamee

Date: 3/22/84

COMPANY

BY: W. S. W. J.

Date: 3/28/84

COMPANY
004877

ORIGINAL
(RED)
(Red)

Know all Men by these Presents:

ORIGINAL
(RED)

THAT

BERKS SANITARY LANDFILL, INC., A PA. CORPORATION

(hereinafter called the Obligor) held and firmly bound unto

BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC., A PA. CORPORATION

(hereinafter called the Oblige) in the sum of TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS lawful money of the United States of Ame

to be paid to the said Oblige , or It's certain Attorney, Executors, Administrators successors or Assigns; to which payment well and truly to be made, do bind and oblige Its: It's successors, Heirs, Executors and Administrators, firmly by these Presents. Sealed with Seal . Dated the day of in the year of our Lord one thousand nine hundred and eighty-four (19 84).

The Condition of this Obligation is such, That if the above bounden Ob It's successors, Heirs, Executors or Administrators, or any of them, shall and do well and truly pay, or cause to be paid unto the above-named Oblige , It's certain Attorney, Executors, Administrators , successors or Assigns, the just sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS lawful money as aforesaid,

Pursuant to the terms contained in Subcontract Disposal Agreement of the day of March, 1984 by and between the Obligor and Oblige , as more specifically contained on attached Exhibit "A".

COMPANY
004878

~~together with interest thereon payable at the rate of per cent. per ann without any fraud or further delay; and shall produce to the said Oblige or Executors, Administrators or Assigns, on or before the day of each and every year, receipts for all taxes and water and sewer rents of the current year assessed upon the premises desc in the accompanying mortgage, and shall produce to the said Oblige or Executors, Administrators or Assigns, within days after the same shall become due and pay receipts for all interest and installments of principal on prior Mortgage and the ground rent, if such there be, and municipal claims and taxes secured upon the mortgaged premises; and also from time to time and at all times until pay of the said principal sum, keep the building mentioned in the said mortgage insured against loss or damage by fire for the benefit of the Mortgagee in the su~~

~~then the above Obligation to be void, or else to be and remain in full force and virtue: Provided, how and it is hereby expressly agreed, that, if at any time default shall be made in payment of interest as afore for the space of after any payment thereof shall fall due,~~

~~Oblige or Executors, Administrators or Assigns, on or before the day of of each and every year, of such receipts for the taxes and water and sewer rents o current year assessed upon the premises mortgaged, or in such production to the said Oblige , or Executors, Administrators or Assigns, within days after the same shall be due and payable, receipts for all interest and installments of principal on prior Mortgage , and the ground rent, if such be, and other municipal claims and taxes secured upon the mortgaged premises, or in the prompt and punctual mainter of said insurance, so assigned as aforesaid, or in the prompt reimbursement after demand of any moneys the Oblige Executors, Administrators or Assigns may see fit to advance for payment of interest and in ments of principal on prior Mortgage , and the ground rent, if such there be, or taxes and other municipal claims sec upon or by the mortgaged premises or to secure insurance in case of default, then and in such case the whole principal aforesaid,~~

~~shall, at the option of the said Oblige Executors, Administrators or Assigns, become due and payable immediately, and payment of said principal debt, together with any moneys adva as aforesaid, and all interest thereon, may be enforced and recovered at once, anything herein contained to the con notwithstanding.~~

~~And provided further, however, and it is hereby expressly agreed, that if at any time hereafter, by r of any default in payment, either of said principal sum~~

~~at maturity, or of said interest, or in production of said receipt taxes and water and sewer rents, or interest and installments of, principal on prior mortgage, ground rent, if such there b other municipal claims and taxes within the time specified as in the maintenance of such insurance, as in and in case of default, then and in such case the whole principal aforesaid, shall, at the option of the said Oblige Executors, Administrators or Assigns, become due and payable immediately, and payment of said principal debt, together with any moneys adva as aforesaid, and all interest thereon, may be enforced and recovered at once, anything herein contained to the con notwithstanding.~~

ORIGINAL
(RED)

upon the accompanying Indenture of Mortgage, an attorney's commission for collection, viz.: Ten (10%) per cent., shall be payable, and shall be recovered in addition to all principal and ~~interest thereon~~, besides costs of suit and all expenses advanced and for effecting such insurance.

And the said Obligor, for

Heirs, Executors, Administrators and Assigns, hereby expressly waive the right of inquisition on any real estate that may be levied upon under a judgment obtained by virtue hereof and voluntarily condemn the same and authorize the entry of such condemnation upon said writ of Execution and agree that the said real estate may be sold under the same; and also expressly waive and relinquish unto the said Obligees, It's Executors, Administrators successors or Assigns, all benefit that may accrue to them by virtue of any and every law now or hereafter in force to exempt from levy and sale on execution the premises described in the aforesaid Indenture of Mortgage, or any other property whatsoever, real or personal or any part of the proceeds arising from any sale thereof.

BERKS SANITARY LANDFILL, INC.

SEALED AND DELIVERED
IN THE PRESENCE OF US

John J. Kilcayre

BY:

Robert L. Miller, Jr. (SEAL)

ATTEST:

Barbara A. Miller, Sec. (SEAL)

To _____ Attorney of the Court of Common Pleas, at _____ in the County of _____ in the State of Pennsylvania or to any Attorney of the said Court, or any other Court there or elsewhere.

WHEREAS,

BERKS SANITARY LANDFILL, INC., A PA. CORPORATION

in and by a certain Obligation bearing even date herewith, do stand bound unto BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC., A PA. CORPORATION TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS in the sum lawful in of the United States of America, conditioned for the payment of the just sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS lawful money as aforesaid

Pursuant to the terms contained in Subcontract Disposal Agreement of the _____ day of March, 1984 by and between Obligor and Oblige, as more specifically contained on attached Exhibit "A". together with interest thereon, payable _____ at the rate of _____ per cent. per an

and for the production to the Oblige Executors, Administrators or Assigns, before the _____ day of _____ of each and every year, of receipts for all taxes water and sewer rents of the current year assessed upon the premises described in the Mortgage accompanying said Oblige and for the production to the Oblige, or Executors, Administrators or Assigns, within _____ days after the same shall become due and payable, receipts for all interest installments of principal on prior Mortgage, and the ground rent, if such there be, and other municipal claims and secured upon the mortgaged premises; and also from time to time and at all times until payment of said principal sum keep the building mentioned in the said Mortgage insured against fire damage by fire for the benefit of the Mortgagee in the sum of _____

Provided, however, and it is thereby expressly agreed, that if at any time default shall be made in payment interest as aforesaid, for the space of _____ after any payment thereof shall fall due, _____

or in such production to the Oblige Executors, Administrators or Assigns, on or before the _____ day of _____ of each and every year, of such receipts for the taxes and water and sewer rents of the current year assessed upon the pre mortgaged, or in such production to the said Oblige, or Executors, Administrators or Assigns, within _____ days after the same shall become due and payable, receipts for all interest and install of principal on prior Mortgage, and the ground rent, if such there be, and other municipal claims and taxes secured the mortgaged premises, or in the maintenance of insurance, so assigned as aforesaid or in the prompt reimbursement demand of any moneys the Oblige Executors, Administrators, or Assigns see fit to advance for payment of interest and installments of principal on prior Mortgage, and the ground rent, if there be, or taxes and other municipal claims secured upon or by the mortgaged premises or to secure insurance in c default, then and in such case the whole principal debt aforesaid, _____ shall, a

option of said Oblige Executors, Administrators or Assigns, become due and able immediately, and payment of said principal debt, together with any moneys advanced as aforesaid, and all in thereon, may be enforced and recovered at once, anything therein contained to the contrary notwithstanding.

And provided further, however, and it is thereby expressly agreed, that if at any time thereafter, by r of any default in payment, either of said principal sum _____ at maturity, or of said interest, or in production of said receipt taxes and water and sewer rents, interest and installments of principal on prior mortgage, ground rent, if such there be other municipal claims and taxes, within the time specified, or in the prompt and punctual maintenance of such insurance in reimbursement of advances as aforesaid, a writ of Execution is properly issued upon the Judgment obtained upon Obligation, or by virtue of this Warrant, or a complaint or any other legal proceeding is properly filed, based upon accompanying Indenture of Mortgage, an attorney's commission for collection, viz.: _____ per cent. be payable, and shall be recovered in addition to all principal and interest then due, besides costs of suit and all exp advanced and for effecting such insurance.

~~IT BEING UNDERSTOOD AND AGREED that the failure on the part of the Oblige Heirs, Executors, Administrators or Assigns to maintain and deliver policies of Fire insu as aforesaid, or to produce to the Oblige Executors, Administrators or Assigns, the receipts for the taxes, municipal claims of any character or the interest and installments of principal on prior Mortgage, Ground Rent, if such there be then due, shall be conclusive that the same are not paid and the Oblige Executors, Administrators or Assigns, may insure the buildings, pay the taxes, mun claims of any character or the interest and installments of principal on the prior Mortgage, Ground Rent, if such there be and to prevent or discontinue proceedings on the prior Mortgage, Ground Rent, if such there be may pay an attorney not to exceed that provided for in the instrument creating such prior Mortgage, Ground Rent, if such there be as such payments shall be construed to be a waiver of the right of the Oblige Executors, Adr trators, or Assigns, to foreclose because of such default. Any moneys paid as aforesaid sh added to and become a part of the principal debt secured by this present mortgage, and any payments thereafter to the Oblige, It's Executors, Administrators, successors or Assigns, shall be appropriated to repay them all moneys exp And the said Obligor, for Itself, It's successors Heirs, Executors, A.~~

COMPANY
004880

Execution and agree, that we said from under they be done under the power of the said or Assign, Assign, unto the said Oblige, It's Execution, Administrators successors or Assign, them by virtue of any and every law or benefit that may seeme to be made by the said Oblige, It's or hereself in force to exempt from levy and sale, on execution the premises described in the aforesaid Indenture Mortgage, or any other property whatsoever, real or personal or any part of the proceeds arising from the sale thereof

These are to desire and authorize you, or any of you, to appear for us, our successors Heirs, Executors or Administrators, in the said Court or elsewhere, in any appropriate action there elsewhere brought or to be brought against us, our successors

Heirs, Executors or Administrators, at the suit of the said Oblige, It's Executors, Administrators successors or Assigns, on the said Obligation, as of any term or time past, present, or any other subsequent or time there or elsewhere to be held, and confess Judgment thereupon against us, our successors

Heirs, Executors or Administrators, for the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS

lawful money of the United States of America, debt, besides cost of suit and all expenses of insurance as aforesaid and an attorney's commission of Ten (10%) per cent, in case payment has to be enforced by process of law as aforesaid, Non sum informatus, Nihil dicit, or otherwise as to you shall seem meet: And for you or any your so doing, this shall be your sufficient warrant.

And we do hereby, for ourselves, our successors Heirs, Executors, or Administrators, remise, release, and forever quit claim unto the said Oblige, It's certain Attorney, Executors, Administrators successors and Assigns, all and all manner of error or errors, misprisions, misadventures, defects and imperfections whatever, in the entering of the said judgment, or any process or proceedings thereon or thereto, or any touching or concerning the same.

In Testimony Whereof, we have hereunto set our hand and seal the day of in the year of our Lord one thousand nine hundred and eighty-four (1984)

BERKS SANITARY LANDFILL, INC.

SEALED AND DELIVERED

IN THE PRESENCE OF

John C. Clark Co.

BY:

Robert D. Miller

ATTEST:

Robert D. Miller

1984

Bond and Warrant

BERKS SANITARY LANDFILL, INC.
A PA. CORPORATION

TO

BROWNING-FERRIS INDUSTRIES
OF PENNSYLVANIA, INC.,
A PA. CORPORATION

For \$ 100,000.00

775

John C. Clark Co., Phila.

1983

COMPANY
004881

EXHIBIT "A"



3/20/84 ORIGINAL (RED)

PERIOD	AMOUNT OF WASTE	RATE
04/01/84 thru 03/31/85	no less than 40,000 cu.yd./yr.	\$2.90/cu.yd.
04/01/85 thru 03/31/86	no less than 37,500 cu.yd./yr.	\$3.25/cu.yd.
04/01/86 thru 12/31/86	no less than 40,000 cu.yd./yr.	\$3.50/cy.yd.
01/01/87 thru 12/31/87*	no less than 40,000 cu.yd./yr.	\$4.50/cu.yd.
01/01/88 thru 12/31/88*	no less than 40,000 cu.yd./yr.	\$5.50/cu.yd.

*if the term is so extended pursuant to the Agreement of March 28, 1984.

The Company shall make a One Hundred Thousand Dollar (\$100,000.00) prepayment prior to April 1, 1984, to be credited against disposal fees until that prepayment is exhausted, on the following schedule:

During the first 12 months of the term of this Agreement, up to \$50,000 (of the \$100,000 total) shall be credited against disposal charges for disposals made during the months of May, July, September and November of 1984 and January and March, 1985. Thereafter, the remaining \$50,000 credit shall be credited against disposal charges for disposals made during the months of May, July, September, November of 1985, and January, March, May, July, September and November, 1986.

In the event of termination of this agreement for any reason or, in any event disposal fees as of December 31, 1986 have not been incurred by the Company for the total of \$100,000 prepayment, the Contractor shall repay any unused portion of the prepayment to the Company within thirty (30) days of the date of the termination or January 31, 1987, as the case may be.

COMPANY
004882

This Indenture, Made the

ORIGINAL
(RED)

day of _____ in the year of our Lord one thousand nine hundred and eighty-four

Between

BERKS SANITARY LANDFILL, INC., A PA. CORPORATION

(hereinafter called the Mortgagor

of the one part, and

BROWNING-FERRIS INDUSTRIES OF PENNSYLVANIA, INC., A PA. CORPORATION

(hereinafter called the Mortgagee), of the other

~~WHEREAS~~, the said Mortgagor, in and by a certain _____ Obligation or Writing, oblig-
under _____ hand and seal duly executed, bearing even date herewith, stand firmly
bound unto the said Mortgagee in the sum of TWO HUNDRED THOUSAND DOLLARS
(\$200,000.00) lawful money of the United States of America, conditioned for the payment of the
sum of
ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS
lawful money as aforesaid

Pursuant to the terms contained in Subcontract Disposal Agreement of the _____ day of
March, 1984 by and between the Mortgagor and Mortgagee, as more specifically
contained on attached Exhibit "A".

~~Interest with interest thereon~~
payable _____ at the rate of _____ per cent, per an-

without any fraud or further delay, and for the production to the Mortgagee _____ Executors, Ad-
istrators _____ or Assigns, on or before the _____ day of _____
of each and every year, of receipts for all taxes and water and sewer rents of the current year assessed upon the mort-
premises, and for the production to the said Mortgagee _____ Executors, Administrators
or Assigns, within _____ days after the same shall become due and payable, receipts for all interest and install-
of principal on prior Mortgage, and the ground rent, if such there be, and other municipal claims and taxes secured
the mortgaged premises, and also, from time to time, and at all times, until payment of said principal sum for the ke-
of the building _____ mentioned in this mortgage insured against l
damage by fire for the benefit of the Mortgagee in the sum of _____

~~Provided, however~~, and it is thereby expressly agreed, that if at any time default shall be made in the pa-
of interest as aforesaid for the space of _____ days after any _____ COMPANY
payment thereof shall fall due _____ 004883

or in such production to the Mortgagee _____ Executors, Administrators
on or before the _____ day of _____ of each and every year, of such receip-
taxes and water and sewer rents of the current year assessed upon the premises mortgaged, or in such production to th-
Mortgagee _____ Executors, Administrators _____ or Assigns, within
days after the same shall become due and payable, receipts for all interest and installments of principal on prior Mort-
and the ground rent, if such there be, and other municipal claims and taxes secured upon the mortgaged premises, or
prompt and punctual maintenance of said insurance so assigned as aforesaid, or in the prompt reimbursement after d-
of any moneys the Mortgagee _____ Executors, Administrators _____ or Assigns may see fit to ac-
for payment of interest and installments of principal on prior mortgage, and the ground rent, if such there be, or
and other municipal claims secured upon or by the mortgaged premises, or to secure insurance in case of default,
such case the whole principal debt aforesaid, _____

shall, at the option of the said Mor-
Executors, Administrators _____ or Assigns, become due and payable immed-
and payment of said debt

and all interest thereon, may be enforced and recovered at once, anything therein contained to the contrary no
standing. And provided further, however, and it is hereby expressly agreed, that if at any time thereafter, by
of any default in payment, either of said principal sum
at maturity, or of said interest, or in the production of said receipts for taxes and water and sewer rents, or inter-
installments of principal on prior Mortgage, ground rent, if such there be, and other municipal claims and taxes,
the time specified or in the maintenance of such insurance, or in reimbursement of advances as aforesaid, a
Execution is properly issued upon the judgment obtained upon said Obligation, or by virtue of said Warr
Attorney, or a complaint or any other legal proceeding is properly filed, based upon this Indenture of Mortga
attorney's commission for collection, viz.: _____ per cent, shall be payable, and shall be recovered in a-
to all principal and interest then due, besides costs of suit, and all expenses advanced and for effecting such insuran-
hereby waiving the right of inquisition on any real estate that may be levied upon under a judgment obtained by
thereof and voluntarily condemning the same and authorizing the entry of such condemnation upon said writ of Ex
and agreeing that the said real estate may be sold under the same; and also waiving and relinquishing all benefit of
_____ the said mortgaged premises or a

ORIGINAL
(RED)

~~IT IS HEREBY UNDERSTOOD AND AGREED THAT THE FOLLOWING~~
Executors, Administrators, successors or Assigns, to maintain
or to produce to the Mortgagee, It's Executors, Adm
receipts for the taxes, municipal claims of any character or the inter
there be then due, shall be conclusive that the same are not paid, an
Administrators, successors or Assigns, may insure the
character or the interest on the prior Mortgage, Ground Rent
proceedings on the prior Mortgage, Ground Rent, if such there b
provided for in the instrument creating such prior Mortgage, Grou
shall be construed to be a waiver of the right of the Mortgagee,
successors or Assigns, to foreclose because of such default
and become a part of the principal debt secured by this present mort
Mortgagee. It's Executors or Administrators, succes
they all money expended as aforesaid

Now this Indenture witnesseth, That
consideration of the aforesaid debt or principal sum of ONE HUNDRED
DOLLARS
better securing the payment of the same, with interest, unto the sa
Administrators, successors and Assigns, in discharge of the said
tion of the further sum of One Dollar unto It in hand
at and before the sealing and delivery hereof, the receipt whereof is
bargained, sold, aliened, enfeoffed, released and confirmed, and by the
alien, enfeoff, release and confirm unto the said Mortgagee, It's

SEE ATTACHED LEGAL DESCRIPTION - ADI

It is hereby expressly certified and declared that
in lien and in payment to a certain other mortgage
\$800,000.00 secured thereon by Indenture of Mortgage
Berks Landfill Corporation, now known as Berks San
Sebastian S. Lombardo and Wilma L. Lombardo dated t
1984 and recorded the day of
lien of the said mortgage shall not be affected or
sale under any judgment recorded upon this present
secured hereby, but any said sale shall be expressl
subject to the lien of the said other Mortgage..

COMPANY
004884

On the _____ day of _____
a notary public residing in _____
County _____
onally appeared the above-named _____

Anno Domini 18 84 before me,

in due form of law acknowledged the above Indenture of Mortgage to be
and deed, and desired the same might be recorded as such.

Witness my hand and notarial seal the day and year aforesaid.

988400
COMPANY

The address of the within-named Mortgage
is _____

On behalf of the Mortgage.

Mortgage.

BERKS SANITARY LANDFILL, INC.,
A PA. CORPORATION

TO

BROWNING-FERRIS INDUSTRIES
OF PENNSYLVANIA, INC.,
A PA. CORPORATION

1980

John C. Clark Co., Phila.

776

recorded in the office for recording of deeds in and for

in Mortgage Book

No.

page

&c

Witness my hand and seal of Office this

day of

Anno Domini 19

ORIGINAL
(RED)

EXHIBIT "A"



ORIGINAL
(RED)

PERIOD	AMOUNT OF WASTE	RATE
04/01/84 thru 03/31/85	no less than 40,000 cu.yd./yr.	\$2.90/cu.yd.
04/01/85 thru 03/31/86	no less than 37,500 40,000 cu.yd./yr.	\$3.25/cu.yd.
04/01/86 thru 12/31/86	no less than 40,000 40,000 cu.yd./yr.	\$3.50/cy.yd.
01/01/87 thru 12/31/87*	no less than 40,000 cu.yd./yr.	\$4.50/cu.yd.
01/01/88 thru 12/31/88*	no less than 40,000 cu.yd./yr.	\$5.50/cu.yd.

*If the term is so extended pursuant to the Agreement of March 28, 1984.

The Company shall make a One Hundred Thousand Dollar (\$100,000.00) prepayment prior to April 1, 1984, to be credited against disposal fees until that prepayment is exhausted, on the following schedule:

During the first 12 months of the term of this Agreement, up to \$50,000 (of the \$100,000 total) shall be credited against disposal charges for disposals made during the months of May, July, September and November of 1984 and January and March, 1985. Thereafter, the remaining \$50,000 credit shall be credited against disposal charges for disposals made during the months of May, July, September, November of 1985, and January, March, May, July, September and November, 1986.

In the event of termination of this agreement for any reason or, in any event disposal fees as of December 31, 1986 have not been incurred by the Company for the total of \$100,000 prepayment, the Contractor shall repay any unused portion of the prepayment to the Company within thirty (30) days of the date of the termination or January 31, 1987, as the case may be.

COMPANY
004887

ALL THAT CERTAIN tract of land now or late of Sebastian S. Lombardo and Wilma L. Lombardo and improvements thereon erected. Situate in the Township of Spring, County of Berks and Commonwealth of Pennsylvania described in accordance with a Plan prepared for Robert DeMeno, entitled "Subdivision of Lands of Sebastian S. Lombardo and Wilma L. Lombardo", by ~~Robert DeMeno~~ Resource Group, Inc., Consulting Engineers, Norristown, Pennsylvania, dated November 9, 1983 as follows, to wit:

BEGINNING AT A POINT, a common corner of lands now or late of Sebastian S. Lombardo and Wilma L. Lombardo and lands now or late of Berks Landfill, Inc., said point being located South eighteen degrees fifty minutes four seconds West ($S 18^{\circ} 50' 04'' W$) a distance of two hundred thirty three and ninety-seven hundredths feet ($233.97'$) along the aforementioned lands now or late of Lombardo from its point of intersection near the Southerly side of Wheatfield Road; thence from said POINT OF BEGINNING continuing along the aforementioned lands now or late of Lombardo the following six (6) courses and distances: 1) South seventy-four degrees fifty-two minutes forty-three seconds ($S 74^{\circ} 52' 43'' E$) a distance of one thousand one hundred ninety-nine and seventeen hundredths feet ($1199.17'$) to a point; 2) South eighty-three degrees nine minutes thirty-three seconds East ($S 83^{\circ} 09' 33'' E$) a distance of four hundred ninety-nine and forty-three hundredths feet ($499.43'$) to a point; 3) South fifty degrees twenty-six minutes twenty-three seconds East ($S 50^{\circ} 26' 23'' E$) a distance of one hundred fifty zero hundredths feet ($150.00'$) to a point; 4) North thirty-nine degrees thirty-three minutes thirty-seven seconds East ($N 39^{\circ} 33' 37'' E$) a distance of two hundred sixty-two and fifty-three hundredths feet ($262.53'$) to a point; 5) South thirty-nine degrees twenty-eight minutes twenty seconds East ($S 39^{\circ} 28' 20'' E$) a distance of four hundred sixty-eight and twenty-two hundredths feet ($468.22'$) to a point; 6) North sixty-seven degrees thirty-four minutes forty-five seconds East ($N 67^{\circ} 34' 45'' E$) a distance of three hundred thirty-six and eight five hundredths feet ($336.85'$) to a point; thence South thirteen degrees fifty-nine minutes twenty-nine seconds East ($S 13^{\circ} 59' 29'' E$) a distance of fifty-seven and fifty-five hundredths feet ($57.55'$) to a point; thence South eight degrees fifty-nine minutes forty-six seconds East ($S 08^{\circ} 59' 46'' E$) a distance of one thousand four hundred seventy six and zero hundredths feet ($1476.00'$) to a point; thence South eight degrees fifty-four minutes two seconds West ($S 81^{\circ} 54' 02'' W$) a distance of three hundred sixty feet more or less (360^{\pm}) to a point; thence along the aforementioned lands of Berks Landfill, Inc., the following five (5) courses and distances: 1) Northwardly a distance one thousand six hundred feet more or less (1600^{\pm}) to a point; 2) Westwardly a distance of four hundred feet more or less (400^{\pm}) to a point; 3) Westwardly a distance of eight hundred feet more or less (800^{\pm}) to a point; 4) Due North a distance of six hundred fifty feet or less (650^{\pm}) to a point; 5) Westwardly a distance of one thousand thirty feet more or less (1030^{\pm}) to the POINT OF BEGINNING.

BEING shown as Lot #2 on said Plan, containing 31.5 acres of land, more or less.

INCLUDING a portion of a Philadelphia Power & Light towerline right-of-way, being two hundred feet ($200'$) wide and partly crossing this lot at the Southeasterly corner, and recorded at the Courthouse of the County of Berks in Miscellaneous Plan Book 290, page 740.

ALSO INCLUDING two portions of a twenty foot ($20'$) wide sanitary sewer easement as shown on said Plan.

ALSO INCLUDING a sixty foot ($60'$) wide right-of-way American Telephone & Telegraph, as shown on said Plan.



Browning-Ferris Industries
EAST CENTRAL REGION

INTEROFFICE LETTER

3/28/84
TO: MIKE
(RED)
C. Carlan
(Red)

DATE : March 29, 1984
TO : Mike Berlin
FROM : Cab Carlan
SUBJECT : Berks Landfill

Attached are copies of the disposal agreements and the \$100,000.00 check for Berks Landfill. The cover letter is self explanatory as to what needs to be done--have Bob initial the two exhibits and return one to you.

CBC:deb

Enclosures

cc: Bill Wolfram



Waste Systems™

BROWNING-FERRIS INDUSTRIES, INC.
EAST CENTRAL REGIONAL OFFICE
FEDERAL L.D. #74-1990096

CO	320	061846
1	2	3
CHECK NO		

MARYLAND NATIONAL BANK
BALTIMORE, MARYLAND

XXXXXX (RED)
26-28

CHECK DATE
4-28-84
20-25

AMOUNT
\$ 100,000.00*****

PAY
TO
THE
ORDER
OF

AN
BERKS SANITARY LANDFILL, INC.

John V. Korman

NON-NEGOTIABLE

DUAL SIGNATURES ARE REQUIRED FOR AMOUNTS IN EXCESS OF \$1,000

FOR DEPOSIT ONLY

MS 735 50



DATE	INVOICE NO.	DESCRIPTION	GROSS	DISCOUNT	AMOUNT
03-28-84	61846	PREPAYMENT OF DISPOSAL FEES IN ACCORDANCE WITH DISPOSAL AGREEMENT 4/1/84			100,000.00

VENDOR NO. 155756										INVOICE NO. 161846										TRANS CODE 09		INVOICE DATE 03-28-84																													
14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40																									
INVOICE AMOUNT 100,000.00										DISCOUNT										SALES TAX										FREIGHT										DIV 0.0		DUE DATE (SEE CHECK DATE)									
41	42	43	44	45	46	47	48	49	51	52	53	54	55	56	58	59	60	61	62	63	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80															

SOURCE CODE	CHECK ONE
VENDOR INVOICE	<input checked="" type="checkbox"/> 401
VENDOR CREDIT MEMO	<input type="checkbox"/> 402
EXPENSE REPORT	<input type="checkbox"/> 404

ITEM	PURCHASE ORDER NO	PO ITEM	ACCOUNT NO		DIV	DEPT	GEN LEDGER DESCR		QUANTITY	1999 CODE	AMOUNT
			GEN	SUB			REF 1	REF 2			
1			228	007			Prepayment Disposal Fee				100,000.00
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3											
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7											
8											
9											
10											100,000.00

PREPARED BY: *Kelley*

DATE: 3-28-84

APPROVED: *John V. Korman*

REV 6.80

BFI 260-212

COMPANY
004869

NATIONAL OFFICE COPY

ORIGINAL
(RED)

ORIGINAL
RED

COMPANY
004870



A/P CHECK REQUEST

COMPANY NAME	DATE
BFI of Pa, Inc.	4/28/84

PAY ON OR BEFORE DATE	AMOUNT OF CHECK
March 30, '84	\$100,000

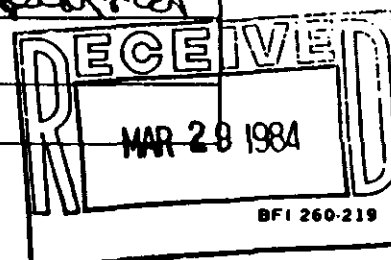
PAYABLE TO	
NAME	Berks Sanitary Landfill, Inc.
ADDRESS	
CITY, STATE, ZIP	

PURPOSE OF EXPENDITURE Prepayment of disposal fees in
accordance w/ disposal agreement April 1, 1984

SEND TO	
NAME	Mike Berlin Lehigh Valley District
ADDRESS	Air Express
CITY, STATE, ZIP	

APPROVED BY
WEN

bm
3/19



EXHIBIT

IM-13 DND
- 3-26-46

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Nº 0360

Sold By	BFI		Week Of	19
Name				
Address				
City			No.	
			(O) Open (P) Packer	
No. Yds.	Co. Trash Picked Up At - Type Of Trash	Ini tials	(O) (P)	Date
	Jeffrey Holmes		P	5/9
	"		P	"
	"		P	"
	Amanda Hernandez		P	5/11
32	K. Miller		P	5/11
	J. Holmes		P	5/11
	"		P	5/12
32	639 Jd Schackel			5/12
Driver				

Nº 0361

[illegible]

Nº 0362

Sold By		Week Of		19
Name				
Address				
City		No.		
		(O) Open (P) Packer		
No. Yds.	Co. Trash Picked Up At - Type Of Trash	Ini tials	(O) (P)	Date
32	Armstrong's Hardware			5/24/84
32	" "			" "
28	" "			" "
32	Armstrong's Hardware			5/25/84
32	" "			
Driver				

2-2-84 = 64 yds

BERKS LANDFILL CORP.

#639

Date 3-2-84

No 04499

Customer BFI (O) Open

Driver _____ (P) Packer

Yards 32

chg

Price _____

Nº 0807

[illegible]

BERKS LANDFILL CORP.

#640

Date 5-2-84

No 04500

Customer BFI (O) Open _____

Driver _____ (P) Packer _____

Yards 32

chg

Price _____

N^o 0863

[illegible]

#630 420-1227

BERKS LANDFILL CORP.

Date 5-5-84 7:55AM No 04592

Customer 17 BFI (O) Open

Driver Emery Plummer (P) Packer ✓

Yards 25

GROSS	43720	lb
TARE	33400	lb
NET	10320	lb Price <u> </u>

Chg

442

BERKS LANDFILL CORP.

Date 5-5-84 9:20AM 112 04596

Customer 17 BFI (O) Open ✓

Driver Jim A. [unclear] (P) Packer

Yards 40

GROSS 43760 lb

TARE 29160 lb

NET 14600 lb

Price

INBOUND 1

Chap

#638

BERKS LANDFILL CORP.

Date 5-5-84 8:26AM No 04595

Customer 17 BFI (O) Open

Driver Lu Carbone (P) Packer ✓

Yards 32

GROSS	57180	lb	
TARE	33680	lb	
NET	23500	lb	Price <u> </u>

Chy

#031

BERKS LANDFILL CORP.

Date 5-5-84 10:54AM NO 04602

Customer 13 B. E. T. (O) Open

Driver (P) Packer

Yards 25

GROSS 50460 lb

TARE 32880 lb

NET 17580 lb

Price

INBOUND 1 20

[Handwritten signature]

#631

BERKS LANDFILL CORP.

Date 5-10-84 3:28PM No 04724

Customer B.F.I. (O) Open

Driver J. Halmer (P) Packer

Yards 25

GROSS	48260	lb
TARE	33100	lb
NET	15160	lb

Price

charge

#638 3102 - 892d

BERKS LANDFILL CORP.

Date 5-10-84 11:46AM No 04712

Customer 17 BFI (O) Open

Driver J. Holmes (P) Packer ✓

Yards 32

GROSS	55940	lb
TARE	33680	lb
NET	22260	lb

Price

Chy

640

BERKS LANDFILL CORP.

Date 5-10-84 8:07AM No 04698

Customer 19 BFI (O) Open

Driver Jeffrey Holmes (P) Packer ✓

Yards 32

GROSS 51440 lb
TARE 33580 lb
NET 17860 lb

Price

Chg

#630

3. ede - 89

BERKS LANDFILL CORP.

Date 5-11-84

9:21AM

No 04742

Customer 17

BFI

(O) Open

Driver

J. Palmer

(P) Packer

V

Yards

2.5

GROSS 47660 lb

TARE 33400 lb

NET 14260 lb

Price

Chy

#637

BERKS LANDFILL CORP.

Date 5-11-84 8:49AM No 04738

Customer 17 BFI (O) Open

Driver (P) Packer ✓

Yards 32

GROSS	56400	lb.
TARE	34120	lb.
NET	22280	lb.

Price

Miller
Ches

#640

BERKS LANDFILL CORP.

Date 5-11-84 8:39AM No 04737

Customer 18 BFI (O) Open

Driver Armando Hernandez (P) Packer ✓

Yards 32

GROSS	55240	lb
TARE	33580	lb
NET	21660	lb

Price

Chg

#639

222 = 5722

BERKS LANDFILL CORP.

Date 5-12-84

7:24AM

NO 04775

Customer 17

BEL

(O) Open

Driver

See [Signature]

(P) Packer

Yards .32

GROSS	62100	lb
TARE	33480	lb
NET	28620	lb

Price

Chy

#639 31 de = 89 yds

BERKS LANDFILL CORP.

Date 5-14-84 9:44AM No 04797

Customer 9 BFI (O) Open

Driver Joe S. Wilson (P) Packer ✓

Yards 32

GROSS 54080 lb

TARE 33480 lb

NET 20600 lb

Price

Chg

638

BERKS LANDFILL CORP.

Date 5-14-84 10:15AM No 04800

Customer 17 BFI (O) Open

Driver J. Holmes (P) Packer ✓

Yards 32

GROSS	63860	lb
TARE	33680	lb
NET	30180	lb

Price

Chy

#631

BERKS LANDFILL CORP.

Date 5-14-84 1:26PM No 04809

Customer 17 BFI (O) Open

Driver J. Palmer (P) Packer ✓

Yards 25

GROSS	48140	lb
TARE	33100	lb
NET	15040	lb

Price

Chy

#640

BERKS LANDFILL CORP.

Date 5-16-84 9:40AM No 04863

Customer 17 BFL (O) Open

Driver [Signature] (P) Packer ✓

GROSS	58400	lb
TARE	33580	lb
NET	24820	lb

Yards 32

Price

[Signature]

#637

BERKS LANDFILL CORP.

Date 5-16-84 9:13AM No 04861

Customer 17 BFI (O) Open

Driver Don Miller (P) Packer ✓

Yards 32

GROSS	60940	lb
TARE	34120	lb
NET	26820	lb

Price

Ches

BERKS SANITARY
LANDFILL, INC.
RD # 8348
Sinking Spring, PA 19608

PUBLIC WEIGHMASTER CERTIFICATE

#637

No 00070

Seller's Name

Date 5-24-84 11:48AM

Address

Customer 17 BFI (O) Open

City, Town or Borough

Driver Armando Hernandez (P) Packer

Purchaser's Name

Yards 32

Address

GROSS 63500 lb

TARE 34120 lb

City, Town or Borough

NET 29380 lb

Price

Delivered By

Weighmaster's Signature

Address

Weighmaster's License No.

City, Town or Borough

Vehicle License No.

ORIGINAL - PURCHASER'S COPY

Trailer License No.

BERKS SANITARY
LANDFILL, INC.
RD # 8348
Sinking Spring, PA 19608

640#

PUBLIC WEIGHMASTER CERTIFICATE

No 00084

Seller's Name

Date 5-24-84 3:19PM

Address

Customer 17 B.F.I. (O) Open

City, Town or Borough

Driver Armando Hernandez (P) Packer

Purchaser's Name

Yards 32

Address

GROSS 55140 lb

City, Town or Borough

TARE 33580 lb

NET 21560 lb

Price

Delivered By

Weighmaster's Signature

Address

Weighmaster's License No.

City, Town or Borough

Vehicle License No.

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Charge

BERKS SANITARY
LANDFILL, INC.
RD # 8348
Sinking Spring, PA 19608

PUBLIC WEIGHMASTER CERTIFICATE

638

No 00062

Seller's Name

Date 5-24-84 8:39AM

Address

Customer 17 BFI (O) Open

City, Town or Borough

Driver Armando Hernandez (P) Packer

Purchaser's Name

Yards 32

Address

GROSS 66180 lb

TARE 33680 lb

City, Town or Borough

NET 32500 lb

Price

Delivered By

Weighmaster's Signature

Address

Weighmaster's License No.

City, Town or Borough

Vehicle License No.

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Trailer License No.

BERKS SANITARY
LANDFILL, INC.
RD # 8348
Sinking Spring, PA 19608

PUBLIC WEIGHMASTER CERTIFICATE

839

2106 - 64

No 00095

Seller's Name

Date 5-25-84 8:41 AM

Address

Customer 17 BFI (O) Open

City, Town or Borough

Driver Armando Hernandez (P) Packer

Purchaser's Name

Yards 32

Address

GROSS	65600	lb
TARE	33480	lb
NET	32120	lb

City, Town or Borough

Price

Delivered By

Weighmaster's Signature

Address

Weighmaster's License No.

City, Town or Borough

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Vehicle License No.

Trailer License No.

Chy

B. F. V. *allowed 40,000 yds per year
(yearly yardage)

April - 1985

yards

EXHIBIT

DM-14 DND
3-26-96

IBIT

15 DND

April
May
June
August
September
October
November
December
January
February
March

3,708 yards
3,089 yards
4,559 yards + 150 yards
5,230 yards
4,793 yards + 13.22 Tons @ 28.00
3,700 yards
4,706 yards
4,559 yards
4,194 yards
Total 34,494 yds

\$50,000.00 credit

Month	Invoice #	Amount
May Billing -	# 1319	\$ 10,039.25
August Billing -	# 1561	\$ 15,947.41
Sept. Billing -	# 1632	\$ 12,025.00
Oct. Billing -	# 1704	\$ 15,294.30

\$50,000.00
- 10,039.25 - May
39,960.75 - Bal
18,947.41 - Aug
84,013.34 - Bal
12,025.00 - Sept
11,988.34 - Bal
15,294.30 - Oct
(3,306.16) - amt
to
paid
by BFT

$\frac{4/1/86 - 12/86}{\$3.50 \text{ yard}}$ (allowed 39,000 yards)

yards	
229	9
275	10
332	12
300	11
250	9
332	12
325	12
389	14
262	9
203	7
282	10
364	13
300	11
312	11
224	7
160	5
267	5
428	15
369	13
586	20
467	15
204	7
228	2
376	13
364	13
455	16
8,283 yards @ 3.50 = \$28,990.50	

BERKS SANITARY
LANDFILL, INC.
RD # 8348
Sinking Spring, PA 19608

PUBLIC WEIGHMASTER CERTIFICATE

637

No 33734

Seller's Name

Date

4-1-86

2:31 PM

Address

Customer

17 BFI

(O) Open

City, Town or Borough

Driver

[Signature]

(P) Packer

☒

Purchaser's Name

Yards

32

Address

GROSS

58140

|||

TARE

34120

|||

NET

24020

lb

City, Town or Borough

Price

336.28

Delivered By

1201

Weighmaster's Signature

Charge

Address

Weighmaster's License No.

City, Town or Borough

Vehicle License No.

ORIGINAL - PURCHASER'S COPY

Trailer License No.